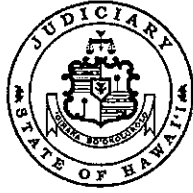


HB2000

HD2



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Government Operations

The Honorable Brian T. Taniguchi, Chair
The Honorable Dwight Y. Takamine, Vice Chair

Wednesday, March 17, 2010, 9:30 a.m.
State Capitol, Conference Room 016

By
W. Tom Mick
Policy and Planning Department Head

Bill No. and Title: House Bill No. 2000, H.D. 2, Relating to the Judiciary

Purpose: To provide supplemental operating and capital improvement appropriations for FY 2011.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 2000, H.D. 2, which reflects the Judiciary's resource requirements for FY 2011. During the informational budget briefings to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 6, 2010 and the House Committee on Judiciary on January 19, 2010, and the budget hearings before the Senate Committee on Judiciary and Government Operations on February 4, 2010 and the House Committee on Finance on March 3, 2010, we provided detailed information on our budget and supplemental request, the impact of recent budget cuts, and the potential costs to society and the State of further cuts to the Judiciary. Consequently, our testimony today will address only a few highlights.

The House Committee on Finance in House Bill No. 2000, H.D. 2 clearly recognized how devastating any further cuts to the Judiciary's operating budget would be, not only to the Judiciary, but in the long run, to the public and the State of Hawai'i as well. As stated in the House Committee report on this bill, the "Committee on Finance is concerned that drastic cuts to the Judiciary would hamper its ability to dispense justice in a fair and timely manner. Your Committee has factored the appropriate furlough savings into the Judiciary's supplemental budget. Your Committee, however, does not recommend any additional cuts given the uncertainty the Judiciary faces with respect to its caseload and the effects of furloughs and



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staffing reductions.” In fact, the House Committee on Finance also provided an additional \$1.5 million to the Judiciary’s operating budget specifically for treatment courts and purchase of service (POS) contracts related to domestic violence to help offset the significant cuts made in these areas in FY 2010 as a result of actions taken with regard to the Judiciary’s operating budget during the last legislative session, as discussed below.

As you know, the basis for a supplemental budget differs markedly from a biennium budget. The biennial budget concept is based upon the premise that planning, evaluation, prioritization, and appropriate resource allocation were done in the previous year and that supplemental budget resources will be requested largely to address unforeseen developments, inadvertent oversights, and special circumstances. However, the Judiciary is very aware of the State’s economic situation and projected budget deficits for the fiscal biennium, and realizes that this is not a normal supplemental budget year where such supplemental budget requests can even be entertained. In fact, these conditions, in conjunction with legislative actions last year to reduce the Judiciary’s FY 2010 budget base by \$11.5 million or 7.6% relative to FY 2009 and to eliminate 79 positions or 4% of the Judiciary’s permanent workforce, resulted in the Judiciary taking serious cost cutting measures. These included significantly reducing expenditures in such areas as POS contracts (a \$3.5 million reduction or 26% of prior year expenditures in this area), guardian ad-litem/legal counsel services (a \$1.5 million reduction), temporary hire positions (a \$1.1 million reduction), overtime, electricity, repair and maintenance, and the use of per-diem judges. Further, in helping to contribute to our shared responsibility of balancing the state budget, the Judiciary adopted a furlough plan for all HGEA and related employees that was implemented on November 6, 2009 that will save approximately \$4.8 million this current fiscal year and about \$7.6 million in FY 2011 (Note: House Bill No. 2000, H.D. 2 recognized this furlough savings for FY 2011 by reducing the Judiciary budget by just over \$7.8 million, of which over \$200,000 relates to special funds). Also, although additional funding is needed to fully staff and operate our new Kapolei Court Complex and for various other important operational and safety matters, we did not request any additional general funds in our supplemental budget request. Rather, our general fund budget request remained at the \$139 million provided during the last legislative session, which still represents a significant cut from our FY 2009 budget of more than \$150 million. House Bill No. 2000, H.D. 2’s recognition of FY 2011 furlough savings further reduces the Judiciary’s budget to about \$132 million.

The impact of these budget and personnel reductions, together with the two-day-per-month furloughs, is being felt throughout the Judiciary and Hawai‘i, especially considering that the Judiciary has no control over its workload and must now accommodate that workload with less financial resources, people, and work days. Significant trial and hearing scheduling problems have arisen as fewer days are available for scheduling, and because prosecutors, public defenders, and sheriffs do not necessarily have the same furlough days as each other or the Judiciary. With fewer days, court calendars are becoming overcrowded and, in some cases,



jumbled with all different types of cases. The loss of staff positions has resulted in the remaining staff having to supervise/monitor much larger caseloads. For example, the Adult Client Services Branch, First Circuit lost 24 positions, many of which were in the Sex Offender and Domestic Violence Units. The loss of these positions has meant that some of the remaining staff personnel have caseloads as high as 180 to 1 for high and medium risk offenders, well in excess of the American Probation and Parole Association caseload standards of no more than 50 to 1 for these types of offenders.

While the reduction to the Judiciary's budget base affects all Judiciary programs statewide, it, as noted above, resulted in funding being cut for POS contracts by an overall 26 percent (\$3.5 million), and for treatment court and domestic violence services by about \$1.3 million and \$1.6 million, respectively. Some programs were eliminated while some others were significantly reduced. These cuts have led to fewer services being available and fewer clients served, and longer waits to access services, resulting in less adherence to program goals and a slow-down in admittance. They have also contributed to the loss of 10 or more staff in direct service to victims and perpetrators of domestic violence, resulting in a decrease in parenting groups, crisis intervention services, victim support, and batterers treatment; a 14% to 18% reduction in cases closed, cases opened, temporary restraining order (TRO) clients served at various sites, and victim services delivered; a 20% to 40% reduction in safety planning services and services to children exposed to domestic violence; an increase in wait time for batterers trying to enter services from one to two weeks in the best case, and two to five months in the worst case, which means more untreated batterers residing in communities, decreasing the safety of their victims and the community in general; a decrease in the number of sites available to obtain services for batterers, victims, or children – on the Neighbor Islands, this often means that services are unavailable unless the person seeking services has access to a car and is able to drive many miles; increases in requirements and fees for fee-for-services, making programs unavailable to those who cannot pay; a decrease in supervised visitations to 1.5 hours a week per family; a reduction in staff work hours; and waitlists for almost all services, including waitlists for TRO support and filings. Some of the people who will now not be served by these programs may remain incarcerated or may harm themselves or others, while those with a dual diagnosis of substance abuse and mental illness will likely not be served at all. Considering these effects, the Judiciary is especially grateful for the House Committee on Finance's actions to add \$1.5 million to the Judiciary's operating budget for treatment courts and POS contracts related to domestic violence.

The work has not decreased in the Judiciary, yet the funding, personnel resources, and days available to do that work have all been reduced. With less time and people to do that work, as well as the additional work required to adjust schedules, trials, and hearings, stress, fatigue, and frustration have increased significantly among court staff, which, in turn, has led to errors, an inability to meet certain timeframes, and an overall decrease in morale. The public has also



been deeply affected as waiting times to be serviced have doubled in some cases, as less days are available for the public to do business with the Judiciary.

While certainly there is an immediate economic impact from these reductions, much of the impact might not be felt until later years and will be borne by other agencies as well. For example, the treatment capacity of the Oahu Adult Drug Court dropped from 160 to 130 clients because of the budget reductions, with 30 people now on a wait list. Assuming that these 30 people are not admitted to the drug court program and are incarcerated at \$139 per day each (about \$51,000 per defendant per year), this would cost the State in excess of \$1.5 million for one year, or over \$600,000 more than the cost of the entire Oahu Drug Court operation for one year. If we were to experience future budget cuts that necessitated the closure of all the adult drug courts, and if we used the same formula and applied it to the 387 defendants currently enrolled in the adult drug courts statewide, it would cost about \$19.6 million to incarcerate everyone for one year, as compared to the entire adult drug court appropriation for FY 2010 of just over \$3 million. These potential costs to the State would multiply even more if further cuts meant closing our juvenile and family drug courts. Or, to cite another example, if the Judiciary had to discontinue the Project HOPE program due to lack of funds, where the average cost to supervise an individual on probation is \$1.82 per day, and instead incarcerate the 1,483 active probationers at \$139 per day, it would cost the State \$75.2 million (1,483 X \$139 per day X 365 days), as compared to the total FY 2010 allocation of just under \$1 million for Project HOPE.

Recidivism (re-offense) and its effects and economic impacts also would not be felt until sometime in the future. Recidivism rates since inception for adult drug court clients range from 3.5% on Kauai to 16% on Maui, or an average low of 9.6% statewide, as compared to over 50% recidivism within three years for persons released from prison (per Bureau of Justice reports). Thus, for the majority of defendants who are incarcerated without the benefit of the drug court program, the doors of the courthouse and prisons become revolving doors with all the attendant costs that are incurred. Clearly, diverting defendants to drug treatment through our drug court programs, whether they are adult, juvenile, or family drug courts, potentially saves millions of dollars.

In summary, further cuts to staffing and treatment providers that service these specialty courts will result in vastly increased costs to the prison, welfare, law enforcement, social services systems, and judicial communities. Further reductions in these services will have an enormous impact on the ability of our community to remain safe and avoid an increase in crime and child abuse and neglect by repeat offenders. The increase of long-range social costs due to the inadequate provision of services and diversion options for children and youth is immense as these children and youth – if not worked with early – develop educational and behavioral problems and are more likely to matriculate to the adult criminal system. It should be noted that we are already seeing the effects of the economic downturn on crime and court filings as FBI



statistics show that for the first half of FY 2009, property crime, violent crime, and arson increased on Oahu by 6% as compared to the first six months of FY 2008; and that from FY 2008 to FY 2009, new cases filed in circuit courts statewide increased by 6%, civil cases in district court by more than 10%, non-criminal traffic violations by 4%, and domestic abuse/protective order filings by 12%.

The Judiciary does have one special fund operating request for a ceiling increase of just over \$125,000 in its Probation Services Special Fund to pay for a full-time Interstate Compact Coordinator to handle all interstate compact matters related to the transfer of probationers and parolees between states, and to reimburse the general fund for fringe benefits for the five staff positions supported by this Fund. House Bill No. 2000, H.D. 2 supports this ceiling request increase.

With regard to the Capital Improvements Project (CIP) budget included in House Bill 2000, H.D. 2, the Judiciary is certainly pleased with the \$600,000 provided for improvements to the Lahaina and North Kohala District Courts. However, we are concerned with the lack of requested funding (\$3,050,000) for the planning and design of an Administrative Services Office Building in Kapolei to support the Kapolei Court Complex. Without this building, many of the programs and services that support and interact with the family court and juvenile detention operations in Kapolei, such as the girls, family drug, and juvenile drug courts, will have to remain indefinitely in Honolulu, some in costly leased facilities. Further, the separation of these programs and support services between Honolulu and Kapolei also results in various functional and operational inefficiencies. Also of concern to the Judiciary is the lack of any CIP funding to replace the cooling tower condenser water piping at Kauikeaouli Hale (\$360,000); to repair the roof, lanai, and concrete terrace deck at Ka'ahumanu Hale (\$4,215,000); and to plan and design for an upgrade of the more than 25-year old elevator system at Ka'ahumanu Hale (\$312,000). The corrosion and related deterioration of the almost 30-year old water piping is so severe that it poses a substantial risk of failure, which would cause the building's air conditioning system to shut down and result in the building being essentially inoperable. At Ka'ahumanu Hale, the leaking and recurrent water infiltration is physically damaging the building, has disrupted operations through closed offices and functional spaces, and created an environmental hazard through possible mold and mildew buildup. Additionally, the lanai deck has begun to buckle and crack, exposing these portions of the building to even further potential damage. The elevator system at Ka'ahumanu Hale frequently breaks down, is difficult to service as replacement parts are hard to come by and in many cases obsolete, and does not meet current safety or Americans with Disability Act accessibility standards nor current building and elevator code requirements.

Lastly, while the Judiciary appreciates the \$5 million provided relative to our lump sum CIP request, we are concerned that this represents less than 20% of the amount requested. Without the requested funding, some of the sub-projects in the category that were initiated with



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planning and design funding from last year's legislative session will not be able to proceed into actual construction. Further, by not fully funding these lump sum repair, alteration, and improvement projects for the aging Judiciary facilities, significantly increased repair and improvement costs will likely result in the future.

The proposed supplemental budget is the Judiciary's best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 2000, H.D. 2, which includes the Judiciary's supplemental budget request.

Thank you for the opportunity to testify on this measure.



Circuit Court of the First Judicial Circuit — THE JUDICIARY • STATE OF HAWAII

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Steven S. Alm
CIRCUIT JUDGE

Testimony of
STEVEN S. ALM
March 15, 2010

TESTIMONY OF JUDGE STEVEN S. ALM
THE SENATE COMMITTEE ON JUDICIARY
AND GOVERNMENT OPERATIONS
RE HB 2000, HD 2
MARCH 17, 2010

WRITTEN TESTIMONY BY
STEVEN S. ALM
CIRCUIT COURT JUDGE
THE JUDICIARY
HONOLULU, HAWAII

Good morning Mr. Chairman and Members of the Committee,

I am Judge Steven Alm and I am happy to be here and to tell you about HOPE Probation. I am one of the ten felony State trial judges in Honolulu, Hawai'i. I was previously the United States Attorney for the District of Hawai'i from 1994-2001.

My courtroom is located on the island of Oahu. The population of Oahu is approximately 900,000, including approximately 100,000 military personnel and their dependents, and there are about 8,500 offenders on felony probation or deferral. Statewide, there are about 4,200 offenders in prison.

Nationally, more than 2.3 million people are in prison and jail in the United States. Many are violent and dangerous or they won't stop stealing and are right where they belong, in prison. As a judge, I have sent a number of them there myself and will continue to do so.

On the other hand, there are many men and women in prison who could be safely supervised in the community either on probation as an alternative to prison on the front end, or on parole after they finish their prison terms. In order to both protect public safety and reduce

our country's prison population, however, we are going to have to change our probation and parole systems and make them more effective. And I believe we have found a way to do that.

It's called **H**awaii's **O**pportunity **P**robation with **E**nforcement, or HOPE Probation. First, how does probation currently work? Probation officers typically have heavy caseloads of up to 180 offenders each. When probationers violate the terms of probation by, for example, testing positive for drugs, or skipping probation officer appointments or failing to attend or complete drug treatment, the probation officer has two alternatives. Either talk to the offender and try to get him or her to change, but apply no real concrete consequences; or wait for the offender to rack up a number of probation violations and then file an affidavit for a Motion to Revoke Probation to send the offender to prison for years. In many cases, this response is either too light or too heavy. Just like the recent Bud Light commercials on television.

As a Circuit Court judge in Honolulu, I was assigned to my current felony trial docket in June of 2004. I would get Motions to Revoke Probation with a dozen or more probation violations and almost invariably a recommendation from the probation officer to send the offender to prison for years. I thought to myself, "This is a crazy way to operate." I then thought, "What do I do as a parent?" When my child did something wrong, I warned him not to do it again, and then if he did misbehave, I gave him a consequence right then and there. And he learned to tie the misbehavior together with the consequence and not do it again. But I had to be swift and I had to be certain. As a result, I decided to change our probation system so that we too could operate swiftly and certainly, and see if we could get better outcomes.

I looked at the statutes and brought together probation, prosecutors, defense, corrections and law enforcement (to take offenders into custody and track down absconders). Together we created HOPE Probation. We created new forms to reduce the work required and new procedures to allow for expedited hearings. These hearings would be based on a motion filed by the probation officer and attended by a deputy prosecutor and defense counsel.

Here's how HOPE Probation works. First, I warn the offender what the new expectations are. From then on, every violation of probation is met with an arrest, either on the spot or as soon as the offender can be located, and an appearance is set before a judge a few days later. The offender typically stipulates to the violation (because it's a single incident, like a positive drug test, usually a few days earlier), and the judge imposes a sentence that is as short as needed to both get the probationer's attention and help him or her tie the misbehavior together with the consequence. HOPE is swift and certain but proportionate (a first violation typically being a few days to a week in jail).

We started HOPE Probation with a Warning Hearing for 34 offenders on October 1, 2004. I told the offenders that everyone in the court wanted them to succeed on probation but they weren't cutting it. That from then on, any violation of probation would lead to a swift arrest and some time in jail. That they were adults and were responsible for their own decisions. That

if they needed help, such as with drug treatment, we would help them get it. But they really needed to step up and do their part.

That if they screwed up by violating a term of their probation, I would take into consideration how they handled it. If they turned themselves in right away and tested clean, I would probably give them credit for time served when we had the hearing a few days later. On the other hand, if they instead decided that as they were going to go to jail anyway, they might as well go out and party and wait for law enforcement to find them, I would give them a lot more time in jail. If it continued, I would send them to prison.

Since that date, with funding from the Hawai'i State Legislature (\$1.2 million per year, mostly for drug treatment), we have expanded HOPE to help more offenders succeed on probation. There are now more than 1,500 offenders in HOPE, including more than 1,350 of the 8,500 felony probationers on Oahu (the remaining being domestic violence misdemeanants).

The results for HOPE Probation have been outstanding. Researchers from Pepperdine and UCLA, led by Dr. Angela Hawken (the principal cost-benefit analysis researcher for Prop 36, California's massive treatment vs. incarceration experiment), have conducted a top-of-the-line randomized controlled trial study of HOPE. They found that HOPE probationers were:

- testing positive for drugs 72% less often and missed probation officer appointments 61% less frequently than the control group on probation-as-usual;
- getting their probation revoked 53% less often;
- getting arrested for new crimes 55% less frequently than their counterparts on probation as usual; and

Dr. Hawken found that those on HOPE either actually served or were sentenced to 48% fewer days of incarceration than the control group.

We discovered that HOPE worked equally well with different judges (no operator effect) and with different groups of probationers (violent, property, sex, drugs, domestic violence).

We have also discovered something very interesting about the drug-using offenders in HOPE (probably 80% of the total HOPE population): These drug users can usually be divided into three groups.

The first group requests treatment at the start to stop using drugs or realizes they need treatment after a couple of positive tests followed by short stints in jail. We will send those offenders to treatment.

The second group may have gone to treatment at some point in the past but are still using drugs. With the swift and certain HOPE sanctions, many of these offenders are able to use what they have learned in treatment in the past and can stop using drugs without further treatment.

A third group of drug users is able to stop using drugs without going to treatment at all. They show this by appearing for, and testing clean at, repeated random drug tests. This includes a number of heavy users who have been using drugs for years.

Dr. Hawken refers to HOPE's approach for this as **behavioral triage**. The offenders' actions (i.e., results of drug tests) will usually determine whether or not they need to go to treatment at all. The drug testing component is also a good way to check whether the offender is being honest with his probation officer and on self-reporting assessment tests regarding his or her drug usage.

This behavioral triage approach allows for quality intensive outpatient or residential treatment for all HOPE offenders who end up needing and actually going to treatment. It also means that we are not sending to treatment those offenders who don't really need to be there. The treatment providers appreciate HOPE for exactly these reasons. These providers also endorse HOPE's emphasis on personal responsibility. We all recognize that treatment works. But it works even better when an offender is taking responsibility for his or her actions and knows that he or she will be arrested for walking out of, or not completing treatment.

This finding has important ramifications for the criminal justice system. Hawai'i has thousands of offenders who have substance abuse problems, and, realistically there will never be enough funding to provide quality treatment for more than a fraction of them. HOPE allows us to separate out who really needs quality treatment and provide it for them and still be able to help the rest of the offenders to stop using drugs and succeed on probation.

HOPE is a very simple idea that is a challenge to put into practice. Change is one of the hardest things for people to do. It takes leadership, cooperation and coordination. It takes a willingness to take a creaky old system like probation and run it differently. But it can be done. And we've now been doing it for five years with gold standard results to back up our approach. Other states have taken notice and we have been working with them, along with partners like the Justice Department's Bureau of Justice Assistance, the Prison Fellowship, the Pew Public Safety Performance Project, the VERA Institute, and the Council of State Governments, among others, to attempt a HOPE-style effort in their communities. Nevada started in January; Oregon will start in March; and Virginia, Alaska and Arizona are getting organized. Many other states are expressing an interest.

Representative Adam Schiff (D-Ca) and Representative Ted Poe (R-Tx) have introduced H.R. 4055, the Honest Opportunity Probation with Enforcement (HOPE) Initiative Act of 2009 to set up HOPE pilot sites around the country.

Our experience with HOPE and the research show that we can change the way community supervision is done in this country and greatly reduce the prison population. We can reduce victimization, help offenders and their families, and save taxpayers millions of dollars. All we need to do is try.

Thank you.

h:hope/HB2000_HD2



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Michael D. Wilson
CIRCUIT JUDGE

**Testimony of Michael Wilson presiding judge of First Circuit Drug Court
and Mental Health Court before the Senate Committee on Judiciary and
Government Operations
Chairman Taniguchi and Vice Chair Takamine
March 17, 2010**

Testimony regarding HB2000, HD2

- Chairman Taniguchi and Vice Chair Takamine, thank you for this opportunity to provide testimony in support of House Bill 2000.
- I am privileged to be the presiding judge of two transformative programs established by the Hawaii Legislature: Drug Court and Mental Health Court
- Transformative because it represents a sort of silver bullet of the criminal justice system that has proven over the last twenty years how to beat the cycle of crime, reduce recidivism and save money.
- The reduced recidivism rate translates into a savings of over \$6 million/yr based on a participant count of 136 defendants and an annual expenditure of \$776,000.
- The proven success of the drug court programs here and around the country is based on proven methods that identify and change patterns of criminal thinking; it is also based on the understanding that most crimes are committed by nonviolent people with drug problems; they are usually people whose poor character and low self esteem were forged through lives of child abuse; child neglect, discrimination or early teen pregnancy. At the end of two years in court supervised treatment, a drug court graduate has learned the life skills to leave a destructive past behind.

- This knowledge is transforming the criminal justice system from being a training ground for crime to a training ground for a successful, employed life reconnected with families. It is an interesting statistic that each time we have a drug court graduation, and I thank the many of you who have attended our graduation ceremonies there are at least as many, and usually more, children of graduates than graduates. In Oahu Adult drug court we have produced 611 graduates. For the entire state, over 1,000 people have graduated. By now, there must be well in excess of 1,000 children of graduates whose lives have been transformed by a graduating parent. Thus our graduates have achieved a cycle of success for many future generations.
- In other words, thanks to your funding and support the over the last twenty years, our program has evolved to one that takes broken lives and actually fixes them.
- This is particularly true of mental health court. Imagine if you will the cost to the state of providing treatment for the incarcerated mentally ill person who has committed a felony. They constitute a significant portion of the incarcerated criminal population. Usually they do not understand their mental illness and the medication necessary for its treatment. The cost of their incarceration is far more than the \$50,000 a year cost of offender who is not mentally ill.
- The mental health court is a highly efficient collaboration between the Department of Health, the Judiciary, the prosecutor and the public defender to divert the nonviolent mentally ill offender from incarceration to treatment. At the cost of only \$175,000/yr, thirty six mentally ill offenders receive treatment as an alternative to incarceration that includes knowledge of their mental illness and the relevant daily medication necessary for its treatment. Again, it is a testament to the enlightened use of best available treatment methods

that graduates of mental health court attain self esteem and become productive citizens.

- In conclusion, thank you again for supporting the transformation of our criminal justice system to one that effectively reduces the human and economic costs of crime through targeted treatment court programs.

JAY T. KIMURA
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI
FIRST DEPUTY
PROSECUTING ATTORNEY



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February 1, 2010

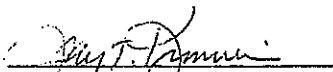
Senator Brian Taniguchi
Chair
Senate Judiciary and Government Operations Committee
Hawaii State Capitol
415 S. Beretania Street, Rm. #219
Honolulu, HI 96813

Dear Senator Taniguchi:

I am writing to express my support of the Children's Justice Center and the multi-disciplinary approach to responding to child abuse, particularly child sexual abuse. It is very important to our community that the Judiciary's budget which includes the Children's Justice Centers be maintained.

Our staff utilizes the CJC for forensic interviewing, case conferences, case review and tracking, and interagency coordination. The CJC safeguards the integrity of child abuse investigations by providing a child friendly location as well as through the development of, and training on, forensic interview guidelines. This ensures that interviews are conducted in a neutral and fact-finding manner.

Sincerely yours,


JAY T. KIMURA
Prosecuting Attorney

cc: Terri Lynn Lum, CJC-East Hawaii

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 3:23 PM
To: JGO Testimony
Cc: swong@catholiccharitieshawaii.org
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Stella M. Q. Wong
Organization: Catholic Charities Hawaii
Address: 1822 Keaumoku St. Honolulu, Hawaii
Phone: 527-4888
E-mail: swong@catholiccharitieshawaii.org Submitted on: 3/15/2010

Comments:

TO: Senator Brian Taniguchi, Chair Committee on Judiciary and Government Operations
Senator Dwight Takamine, Vice Chair Committee on Judiciary and Government Operations
Members of the Committee

FROM: Stella Wong, Vice President of Programs
Catholic Charities Hawaii

DATE: Wednesday March 17, 2010
9:30 a.m.
Conference Room 016
State Capitol
415 South Beretania Street

RE: In Support of HB 2000, HD 2

Chair Taniguchi, Vice Chair Takamine, and Members of the Senate Committee on Judiciary and Government Operations, my name is Stella Wong and I am the Vice President of Programs at Catholic Charities Hawai'i. I am testifying in support of HB2000, HD2, RELATING FOR THE APPROPRIATION OF FUNDS TO THE JUDICIARY,

Catholic Charities Hawai'i fully supports HB2000,HD2.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 60 years. CCH has programs serving elders, children, developmentally disabled, homeless, immigrants, sex abuse victims and perpetrators, domestic violence victims and perpetrators and especially the children and families of domestic violence. Our mission is to provide services to the most vulnerable of the people in Hawai'i.

Catholic Charities Hawaii is writing in support of the preservation of the Judiciary budget, including the Children's Justice Center budget. The Judiciary budget has already sustained cuts and further cuts would jeopardize programs that provide safety to children and families in our community.

Thank you for your consideration.

**Hawai'i Council for the Humanities**

*Nā Mana Wai Pilo 'Ole e Ho 'ōla ana i ka 'Āina
The Many Sources of Water Make the Land Live*

FAX -- Senate Sergeant-At-Arms Office at 586-6659

March 15, 2010

Dear Senator Taniguchi:

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget, which includes funding for the Judiciary History Center.

The Hawai'i Council for the Humanities, a non-profit organization affiliated with the National Endowment for the Humanities, has had a long and fruitful relationship with The Judiciary History Center through the HCH grants program, where we supported major exhibitions and public humanities projects over the years, including an exhibit on "Hawai'i Under Martial Law: 1941-1944," a publication exploring Hawai'i constitutions from the Monarchy period through territorial and statehood years, and living-history performances on "Trial of a Queen: 1895 Military Tribunal" and "The Massie-Kahahawai Case of 1931-32: A Local Story of Enduring Importance," as well as through partnerships between Center and HCH, including workshops for K-12 teachers under a Teaching American History Grant and hosting a Smithsonian exhibit on "Produce for Victory: Posters from the WW II Home Front." These were all extremely valuable humanities programs for teachers and the general community that helped define our sense of local and national identity and citizenship. HCH has come to rely on The Judiciary History Center as an invaluable community resource for its K-12 educational programs for teachers and as a public venue and facilitator for community programs, most especially those dealing with informed and responsible citizenship and understanding the judicial and constitutional history.

The Hawai'i Council for the Humanities is proud of the work that we have supported and worked together on with The Judiciary History Center. Their contributions to our intellectual, social and political well-being are ongoing and impressive. Certainly, our effectiveness in promoting the public humanities for the citizens of this state would be dramatically reduced without a vibrant and engaged Judiciary History Center.

Please support the valuable work of the Judiciary History Center by passing HB2000 HD2 with funding for The Judiciary History Center. Thank you for your consideration.

Sincerely,

Robert G. Buss
Executive director
Hawai'i Council for the Humanities



THE MEDIATION CENTER OF THE PACIFIC, INC.
Bringing People Together to Talk and Resolve Their Differences

245 N. Kukui St., #206 Honolulu, HI 96817 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

March 15, 2010

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THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, March 17, 2010

TIME: 9:30 a.m.

PLACE: Conference Room 016
State Capitol
415 South Beretania Street

By: Tracey Wiltgen, Executive Director
The Mediation Center of the Pacific, Inc.

Bill No. and Title: HB 2000, HB 2, RELATING TO THE JUDICIARY

**TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR AND THE HONORABLE
DWIGHT Y. TAKAMINE, VICE CHAIR AND MEMBERS OF THE COMMITTEE**

I am writing in support of the Judiciary's budget bill, HB 2000, and the Center for Alternative Dispute Resolution. I ask that you preserve the Judiciary's budget again for the upcoming fiscal year.

The Mediation Center of the Pacific is one of the six community mediation centers throughout the State that receives funding through the Judiciary's Center for Alternative Dispute Resolution (CADR) POS with Mediation Centers of Hawai'i. Without those funds, the mediation centers would not be able to assist the thousands of people who benefit from their services annually. Equally significant is the fact that the community mediation centers currently help to reduce the enormous backlog in Hawaii's judicial system. If Judiciary funding is reduced, the community mediation centers will ultimately suffer a reduction and be unable to serve the large volume of cases that are referred annually, thus creating a greater burden on the courts.

Every day at the Mediation Center of the Pacific, the staff and nearly 200 volunteer mediators assist individuals in talking, rebuilding relationships and resolving problems creatively. As a result, divorcing parents are able to agree on co-parenting plans that focus on the best interests of their children, landlords and tenants work out agreements to allow the tenants to remain in the house or have more time to find a new home, siblings create plans to care for elderly parents and much more.

Two examples of clients assisted by the Mediation Center this past year are Leon and Helen. Leon is a 72 year old homeless man who wanted to mediate the terms of his divorce. He also wanted to mediate with the storage service where he stored his few belongings. He received an eviction notice because he was storing food in his space. Leon had no telephone and no address because he was living on the street after his wife kicked him out. He walked to the Mediation Center each week to check on the status of his mediations and to prepare for the sessions once they were scheduled. Through the mediation process, he was able to keep his storage unit and work out an agreement with his wife so he would have a place to live.

Helen, another client, called at 6:30 one evening in a panic. A man “convinced” her 86 year old mother to sell him the family home in exchange for allowing the family to remain living there, and now he was evicting them. Helen wanted to mediate right away just to “buy a little time to find a place to live and keep the family off the street.”

While the names are changed, the people and their stories are real. We hear them every day. I ask that you preserve the Judiciary’s Budget for the upcoming fiscal year to ensure the Mediation Center is able to continue to assist people like Leon and Helen. A reduction in the Judiciary’s budget will directly impact the Mediation Center of the Pacific’s ability to continue providing high quality mediation services that are affordable and accessible. With more people out of work, fewer resources and greater stress, community mediation is more critical than ever.

Sincerely,



Tracey S. Wiltgen
Executive Director



The Children's Alliance
of Hawaii, Inc.

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Alfred Herrera, President
The Children's Alliance of Hawaii, Inc.

Senate Committee on Judiciary and Government Operations

Wednesday, March 17, 2010, 9:30 am, Conference Room 016

Support of HB2000, HD2

Dear Chair Taniguchi and Vice Chair Takamine,

The Children's Alliance of Hawaii, Inc. encourages preserving the State Judiciary's budget and fully maintaining The Children's Justice Program/Children's Justice Centers of Hawaii.

The Children's Justice Centers of Hawaii safeguards the integrity of child abuse investigations, especially the forensic interviews of alleged victims and witnesses to crime. It is done in a manner that is neutral and fair. This program provides a truly valuable and effective service to our child victims, their families, and the community at large.

They also provide training opportunities for professionals involved with child abuse investigations.

In these times of belt tightening and cost cutting it becomes more essential to put people first. Losing or downsizing this program will be a great injustice to our community, and most importantly to our already victimized children.

If you have any questions or require additional information, please do not hesitate to contact me.

Thank you for this opportunity to submit testimony.



IOLANI PALACE

PH (808) 522-0822 FAX (808) 532-1051

TESTIMONY OF KIPPEN DE ALBA CHU

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Sen. Brian T. Taniguchi, Chair

Sen. Dwight Y. Takamine, Vice Chair

Wednesday, March 17, 2010

9:30 am

HB 2000 HD2

Chair Taniguchi, Vice Chair Takamine, and members of the Committee, thank you for the opportunity to testify **in strong support of continued funding for the Judiciary History Center (JHC)**.

Downtown Honolulu has a high concentration of historic sites, museums, and arts and cultural organizations within a relatively compact area, which is why it is designated the "Hawai'i Capital Cultural District" and why there is a community-based effort to secure federal designation as a National Heritage Area.

All of the various organizations within the cultural district have important stories to tell. We are the footprint of both the distant and recent pasts as well as the stepping off point moving into the future. In developing policy and deliberating on proposed legislation, both the state and county legislative branches rely heavily on the historical resources and archives available in the immediate vicinity.

Visitors and residents alike marvel at the rich heritage and diversity which exists in the cultural district. We provide a sense of place and a sense of purpose, especially to the younger generations who will inherit Hawai'i.

The JHC is an integral part of the magnificent tapestry of history and culture that is the Hawai'i Capital Cultural District. In addition, Ali'i• Iani Hale is as important and significant as 'Iolani Palace. Without the JHC, the public would not learn about Ali'i• Iani Hale's role in the development of a modern Hawaiian constitutional monarchy and how the building's ultimate completion would lead to the construction of 'Iolani Palace.

I strongly urge this Committee to continue funding for the Judiciary History Center and thank you again for allowing me to provide supporting testimony.

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

Sen. Brian T. Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair

Hearing: Wednesday, March 17, 2010
Time: 9:30am
Place: Conference Room 016
State Capitol
415 South Beretania Street

TESTIMONY of the FRIENDS of the Children's Justice Center of West Hawai'i RE: HB 2000, HD2

Dear Senator Taniguchi, Senator Takamine, and Members of the Committee:

Thank you very much for the opportunity to present testimony regarding HB 2000, HD2. The FRIENDS of the Children's Justice Center of West Hawai'i (FCJC-WH) supports the preservation of the State of Hawai'i Judiciary budget, with a strong emphasis maintaining the Children's Justice Centers throughout Hawai'i.

The FCJC-WH has worked in partnership with the Children's Justice Center of West Hawai'i (CJC-WH) since it's inception in 1989. The Island of Hawai'i has unique geographic challenges that make travel difficult and at times impossible for our families to seek adequate services. There is a crucial need to maintain the CJC-WH so that our entire island has fair and accessible resources to deal with allegations of child abuse.

The CJC plays a critical role in our State of Hawai'i systems response to child abuse by providing a safe, neutral and child friendly place where forensic interviews can take place. The CJC's continue to identify and address the special needs of the alleged child victims of abuse while striving to minimize the trauma a child abuse investigation may cause. The CJC continues to provide essential training opportunities to the professionals who work on behalf of our children.

Thank you very much for your time and consideration,

With appreciation,

Michelle Ono
Executive Director
FRIENDS of the Children's Justice Center of West Hawai'i
77-6403 Nalani Street, Kailua-Kona, HI 96740
Office: 808.331.2425 Fax: 808.327-4988
Email:fcjcw@hawaii.rr.com

From: Max Tornai [mtornai@mauimediation.org]
Sent: Tuesday, March 16, 2010 10:52 AM
To: JGO Testimony
Subject: Testimony for HB2000 HD2, March 17, 9:30 am.

Aloha nui loa from Mediation Services of Maui! As the new Executive Director for MSM, I wanted to introduce myself to the Committee on Judiciary and Government Operations. This is in regards to the requested testimony for HB2000 HD2 on March 17, 2010 at 9:30am. From the depths of my heart, I know that the mediation process is essential in developing and maintaining peaceful communities.

I know that you are very well aware of the fiscal situation the state and nation are currently in and will need to make very difficult decisions. MSM, like so many other local and national organizations, has already been drastically affected by the recent economic downturn. Several of our main long-time funders have announced substantial cuts in their ability to provide financial support to our agency. This has placed us in a short-term financial crisis, although our mid- and long-term strategies still appear sound.

These cutbacks have come at a time when our services are needed more than any other point in our organization's history. As we all know, the impact of this fragile economy has not just been restricted to non-profits. Families have been forced to deal with pressures that can tear lives apart. Many have lost jobs, started to default on their mortgages, or have even been forced to wonder where they and their children will live. Financial disagreements are a key reason why relationships are strained or broken. The resulting situations often end in divorce or separation for couples. Good friends, relatives, neighbors, coworkers, or business partners can become estranged. In many of these cases, it can be very difficult to see how these disagreements will ever be fairly resolved. Far too often, disputes can culminate in physical violence and/or litigation, which can be very costly for everyone involved. The resulting negativity can impact the well-being on the rest of the family, work environment, or neighborhood.

For 28 years, Mediation Services of Maui has established services and programs that assist our community with all forms of conflict resolution. By educating people in dispute resolution and peer mediation, many people in our community have learned to resolve very difficult issues fairly. Trained, impartial mediators help lead participants through a highly structured process that is designed to enhance civilized and productive communication between both parties. In 2008-2009, 90% of participants reported satisfaction with the process, even if they did not all come to an agreement. So far this year, we are already on schedule to handle a record number of cases. If the economic downturn progresses, we can only foresee an increase in the numbers of people coming to us for help.

Below are some direct quotes from those who have used our services:

- This was a much easier and pain free process than I thought it would be. Mediators were very helpful!
- We were all able to communicate and no disrespect at all. Everything got resolved!
- I believe there are many situations where this can work.
- This mediation program is vital to a well functioning community and society. I will vote in the future only for politicians who support it. Mahalo to the many mediators who volunteer their time to resolve conflict in our community.
- It was challenging and time-consuming for all but ultimately, at the end it was amazing in allowing all parties to be heard and to resolve our conflict. Thank you, all of you, for this wonderful service!
- Continue to provide service for people like us – it is very helpful and inexpensive. Thank you.
- Definitely a good option to work through conflict. The mediators took their time and understood.

They were thinking of our feelings too.

- Great process – should be made more aware to County employees.
- The mediation process made me want to be a mediator.

Mahalo for the opportunity to write in with our testimony. We definitely appreciate it.

Max Tornai
Executive Director
Mediation Services of Maui
Phone: (808) 244-5744
Email: mtornai@mauimmediation.org

CRUMPTON & HANSEN

ATTORNEYS AT LAW

Pioneer Plaza, Suite 1710
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Honolulu, Hawai'i 96813-3794

Telephone: (808) 599-9200
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Charles W. Crumpton
Direct Line: (808) 599-9201
Direct Fax: (808) 697-6691
E-mail: crumpton@chjustice.com

March 12, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Senate Committee on Judiciary and Government Operations

Re: House Bill 2000 (HSCR 68110)
RELATING TO THE JUDICIARY (Appropriates funds to the Judiciary
for FY 2010-2011. Effective December 21, 2058. (HB2000 HD2)
Written Testimony

Dear Senators Taniguchi and Takamine:

From the perspective of an attorney in civil cases in Hawai'i for over 31 years and a mediator and arbitrator in such cases for over 25 years, involved in and aware of the Judiciary's role and work and the need for and benefits of it on a daily basis, I read W. Tom Mick's written testimony for the Jan. 28th hearing and fully agree with it. It can't of course cover all the affected areas, such as programs and services of the Judiciary Center for Alternative Dispute Resolution and community mediation centers in dispute resolution and education, the value of those and the extensive community benefits and economic savings they bring on a truly low-cost, high-impact basis. By mediating, facilitating and resolving disputes in the courts, the Civil Rights Commission, communities, families and others at very low-cost with a high rate of success, those programs generate immeasurable savings in both human harm and economic costs. That is more true and needed than ever now, under the trying circumstances that make such conflicts more frequent and severe, and makes the need for their cost-effective resolution even more essential. The supplemental Judiciary budget request in House Bill 2000 is dearly needed to preserve those and other public service programs, services and savings to the extent possible.

Those of us who work with the Judiciary, its personnel and those it serves see both first-hand and indirectly that the effects of cutbacks in the Judiciary include those Mr. Mick describes, loss of valuable personnel, inability to render services as and when needed to provide practical benefits and solutions and delay and denial of access to people who most need that help. In fact, the demand and need for those services, especially in conflict resolution, are growing both in number and importance as current conditions increase the hardships and conflicts that the Judiciary is called upon to service, and reduce the ability of people to protect themselves, their loved ones and their rights without that help. In short, the harm of the budget cuts, and the need for the requested supplemental funding, are to many of the Judiciary's most valuable public services, whose lack takes a high personal and economic toll in the community, and to the people in the Judiciary who are dedicated to providing that public service. The supplemental budget request in House Bill 2000 is reasonably related to maintaining essential, low-cost, high-impact public services that only the Judiciary can provide, and whose lack has a human and economic cost we cannot afford.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Charles W. Crumpton". The signature is written in black ink and is enclosed within a large, loopy circular flourish that extends to the right.

Charles W. Crumpton

CWC:lah

UNIVERSITY OF HAWAII 'I AT MĀNOA

William S. Richardson School of Law
2515 Dole Street, Honolulu, Hawaii 96822 U.S.A.
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Professor John Barkai
E-mail: barkai@hawaii.edu

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

March 13, 2010

Testimony on HB 2000, HD2, RELATING TO THE JUDICIARY

Dear Committee Members

I am submitting testimony in support of HB 2000, HD2 relating to the Judiciary. I strongly support this bill and believe that the judiciary should be kept at its current level of funding.

The State's current budgetary crisis has already taken a terrible toll on the Judiciary. Further budgetary cuts should not be made at the Judiciary. The quality of the courts affects the quality of life for everybody in Hawaii. In addition to the regular, traditional courts, the Judiciary has supported a variety of novel programs that are important to our community such as the Girls Court, that Drug Court, in the Center for Alternative Dispute Resolution (CADR). As a full time law professor at the University of Hawaii's William S. Richardson School of Law, I have worked with CADR since its inception in 1985 and I will limit my comments today on that single organization.

The Hawaii Judiciary's Center for Alternative Dispute Resolution (CADR) was established as the Program for Alternative Dispute Resolution in 1985 by Hawaii Chief Justice Herman Lum. It was the first state office of dispute resolution in the nation located in a judiciary. The CADR is dedicated to making ADR processes broadly available to Hawaii citizens and agencies of state and local government, and it does an outstanding job in that role using problem-solving skills to forge creative solutions for individual and governmental conflicts.

In 1989, the Hawaii Legislature established the current Center for Alternative Dispute Resolution and charged it with facilitating the effective, timely, and voluntary resolution of disputes. CADR designs and helps implement ADR programs for state and county government; mediates and facilitates public policy disputes referred by government officials; manages the Judiciary's contracts with the community mediation centers for mediation and related dispute resolution services across the state; and promotes ADR through training, education, and outreach, especially for state and local government.

Since its creation over twenty years ago, CADR has been the focal point for ADR activities in the State of Hawaii. CADR is a small organization (having the equivalent of only

four full-time, but very hard-working staff) that through direct efforts, collaboration, and partnerships with individuals and other organizations has a very large impact on dispute resolution and problem-solving processes in the state of the Hawaii.

CADR has created and implemented novel ADR programs. For example, CADR worked with members of the state bar to design an Appellate Mediation Program for Hawaii, which CADR now administers. Retired justices and judges, and some senior, well-respected lawyers serve as the mediators for this program. Since its inception, over 185 appellate cases have resolved through the program. Recently, CADR worked with the Family Law Section of the Hawaii State Bar Association and the Family Court of the First Judicial Circuit to develop a Volunteer Settlement Master (VSM) process to help divorcing couples settle financial and other issues. Family law attorneys, acting as volunteers, have a confidential meeting with the divorcing couple to help the parties reach an agreement that is fair and acceptable to everyone. There is no cost to the divorcing couple for the services of the VSM, and the settlement rate has been very high. Approximately 50 family law attorneys have volunteered to serve as VSMs.

When called upon to intervene or when it pro-actively enters public policy disputes, CADR has demonstrated an ability to analyze situations and to consider expert analysis from multi-disciplinary perspectives, using an interested-based approach consistent with conflict-resolution and problem-solving principles. CADR has shown the ability to build consensus around options which address the goals and interests of the participants. For example, when providing direct services, CADR staff and volunteers often mediate and facilitate public policy disputes, bringing together people from different backgrounds and perspectives. CADR recently facilitated meetings between advocates against domestic violence and staff from child welfare services. Both groups were experts in their fields, often serving the same clients, but with different perspectives. The two groups sometimes "stepped on each others' toes." Through meetings facilitated by CADR, the groups worked together to bridge gaps, mend relationships, and eventually conducted several joint, cross trainings, and they wrote a protocol for working together in the future. CADR recently facilitated, with great success, meetings for the following groups: Standing Committee on Children in Family Court; Detention Home Interagency Services Team; Interagency Council on Intermediate Sanctions; Domestic Violence/Child Welfare Services; Child Sex Abuse Response System Task Force; Emergency Preparedness for Persons with Disabilities During Natural Disasters; and the Juvenile Justice Information Sharing Committee.

When facilitating or problem solving, CADR takes into account the broad array of client or party interests and the multitude of factors and circumstances that impact the "problem" presented. CADR's approach to meeting facilitation is to conduct an extensive conflict analysis to understand the different problems from the parties' perspectives and explore their interests. This conflict assessment often includes a written questionnaire, followed up by telephone calls and in-person meetings. It is common for CADR to spend 20 to 40 hours preparing for an initial meeting. As trained professionals, CADR staff and volunteers have the ability to translate positions into interests in all forms of their work. A major focus of the conflict

analysis or assessment is to understand what the parties' interests are, and to help participants understand, respect, and work with the interests of both sides to any conflict.

CADR partners with the community mediation centers so that people statewide can access well-trained, volunteer or affordable mediators. Through "purchase of service contracts" from the Judiciary, CADR negotiates contracts and oversees the delivery of mediation services at community mediation centers on the various islands of Hawaii. Last year, through these contracts totaling \$485,000, approximately 3,150 cases were handled in the community mediation centers and about 7,500 clients received mediation services.

CADR promotes ADR through training, education, and outreach by conducting a wide variety of trainings. Last year, CADR trained over 800 state and county employees in mediation, meeting facilitation, negotiation and other ADR-related skills they can use in the workplace. It provided information about ADR and other dispute resolution skills and options to the public through seventeen public forums and six presentations, seven published pieces (e.g., articles and letters in various media); and through the development and distribution of handbooks, brochures, and videos. It electronically distributes quarterly newsletters, "ADR Times," which describes CADR activities, forums, trainings, and other noteworthy events (sample in Appendix). Its public forums, held at least monthly, bring conflict resolvers, parties, and users together to talk about a wide variety of ADR-related issues.

CADR has partnered with the University of Hawaii School of Law to conduct extensive research to determine the types of individual lawsuits that are filed in court and to find out how those cases are terminated, so that the Hawaii Judiciary can work on effective ADR programs and rules to promote dispute resolution. This research also helps inform the public so that they can make wise and more strategic decisions about their own disputes.

The CADR made unique use of peace posters created by Hawaii youth. For years, a peace-poster contest has been held in conjunction with a statewide peer mediation conference. CADR has framed and now placed, with the cooperation of several state agencies, over 100 framed posters in the Circuit Court and Supreme Court as indication of the CADR's and the Judiciary's commitment to a variety of interests, including support for youth, support for mediation and other forms of peaceful conflict resolution, and support for art and culture, and the importance of art and culture in everyday life. In 2007, following fund raising efforts, the winning posters were made into bus signs and displayed on the city and county busses for months.

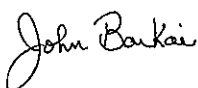
CADR has also worked with a high school in a low-income area of Oahu to have the high school students create videos for CADR. The first video, "Working It Out," won regional and national awards. The video shows how three teenage friends handle conflict with each other and their parents. The video is on the CADR website. A second video, on Restorative Justice, will be out soon and is designed to promote conversation about personal responsibility and the role of the victim, offender, and community in the criminal justice system. These videos play on

community television and are widely distributed. They are expected to be seen by a wide cross-section of the community and to provoke discussion on important topics.

CADR is dedicated to making ADR processes broadly available to Hawaii citizens and agencies of state and local government, and has done an outstanding job in that role for over twenty years. The Center for Alternative Dispute Resolution (CADR) and the Hawaii State Judiciary should be allowed to continue their good work at their present level of funding.

In these difficult economic times the Judiciary and its programs are more important than ever.

Aloha,

A handwritten signature in cursive script that reads "John Barkai".

John Barkai

Professor of Law

From: Mary Lou Lomaka [mloulomaka@hawaii.rr.com]
Sent: Monday, March 15, 2010 9:46 AM
To: JGO Testimony
Cc: Jasmine.M.Mau-Mukai@courts.state.hi.us
Subject: HB2000 Judiciary Budget

As a therapist in private practice working with children/adolescents who have been abused/neglected and having worked closely with the Children's Justice Center since the late 1990's I know how much the Center has assisted children and their families through the very difficult process of forensic interviews and the aftermath of service needs for all family members.

The CJC does an excellent job in not only providing a welcoming and homelike environment for those interviews to take place but also does an excellent job in coordinating all the service providers that go on to work with those children and families.

I strongly urge you to continue to fund the Children's Justice Center and support the incredibly important work they do.

Most sincerely,

Mary Lou Lomaka, LCSW,RPT
Licensed Clinical Social Worker, Registered Play Therapist



Attorneys at Law • A Law Corporation

March 15, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Senate Committee on Judiciary and Government Operations

Re: **House Bill 2000 (HSCR 68110)
RELATING TO THE JUDICIARY (Appropriates funds to the
Judiciary for FY 2010-2011. Effective December 21, 2008.
(HB2000 HD2) Written Testimony**

Ellen Godbey Carson
Phone: (808) 524-1800
Fax: (808) 524-4581
E-mail:
ECarson@ahfi.com

Dear Senators Taniguchi and Takamine:

I am writing in support of the Judiciary's budget request.

I have been involved in litigation in Hawai'i's courts for over twenty years, and have served as President of the Hawai'i State Bar Association and Hawaii Women Lawyers, where I have had the opportunity to review our Judiciary and its programs in detail. I also serve as a partner in our law firm of approximately fifty attorneys, most of whom are litigators.

Our Judiciary has many vital programs providing essential services and justice in our community. Without these programs, the very core of our legal structure and social order would be destroyed.

While everyone knows the vital mission of our courts, another Judiciary programs that is vitally important is the Center for Alternative Dispute Resolution ("CADR"). The Center, under the very capable direction of Elizabeth Kent, provides mediation training, programs in alternative methods of dispute resolution, and policy support for teaching our citizenry to avoid and resolve disputes on their own. CADR sponsors wonderful ADR forums that teach and inspire ADR experts in Hawai'i. CADR assists ADR programs in every level of the courts, from small claims court to appeals courts, that often resolve fifty percent or more of the disputes that have been filed in the Judiciary. Without CADR's programs, our budgetary needs would be hugely more for courtrooms, administrative staff, juries and related resources. CADR's programs have a great cost-benefit ratio, save money for the Judiciary and the parties in

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Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
March 15, 2010
Page 2

dispute, and leverage the time and talent of volunteer mediators so that disputes can be resolved amicably without needing more judges.

I ask your support for the Judiciary's budget overall, as well as your support of CADR's work in innovative resolution of legal disputes in our community.

The views expressed in this letter are my own and are not a statement on behalf of my law firm or on behalf of any organization affiliated with or doing business with our firm.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ellen Godbey Carson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Ellen Godbey Carson

EGC:rjcp

March 12, 2010

Committee on Judiciary and Government Operations
Hawai'i State Legislature
415 South Beretania Street
Honolulu, HI 96813

Distinguished committee members/legislators,

I am aware of the State's difficult economic situation and the hard choices you are facing, but I believe strongly that maintaining the Judiciary's budget without any further cuts is in the best interests of all residents of Hawai'i. The Judiciary provides a variety of important services. In particular, I'd like to address the impact of recent cuts in funding to the POS contract for mediation services.

Conflict not only creates stress for people who are directly involved in a dispute, but it often affects those around them—family, workplace, neighbors and other community members. By helping people to resolve conflicts and solve problems, community mediation centers heal and strengthen our society from the inside. A monetary dispute that had divided a family for seven years was recently resolved at our center. This was an important step toward rebuilding positive family relationships that will extend outward into the community. We have recently experienced a sharp rise in divorce-related cases. Mediated agreements can minimize the harmful effects of these domestic disputes and help people regain control of their lives and take shared responsibility for their children. These are but a few examples of the long-term benefits of mediation services that are made possible by funding support from the Judiciary.

In recent years, 60 -75% of our mediations have resulted in agreements, which mean that over half of these cases never end up in court. This provides needed relief to our overburdened judicial system as it struggles to contend with current budget and personnel reductions. Mediation often saves time and money for everyone involved and the agreements tend to be long-lasting because they are chosen by the participants themselves.

There is a critical need for mediation in our community, as demonstrated by a 20% increase in our caseload last year on the heels of a 16% increase the year before. As a sub-contractor to the Judiciary, our contract fee (which was cut by 20% this year) has helped us to provide free or affordable services to the public for many years. For those services that do carry a nominal fee, the fee is currently waived for people who cannot afford to pay. Any further cuts to this already pared-down POS contract will make it extremely difficult for community mediation centers to meet the growing need and to keep services accessible to the increasing numbers of financially disadvantaged clients—clients who often don't understand the legal system and cannot afford a lawyer. Continued support from the Judiciary will allow us to continue to work diligently to help resolve a variety of disputes and strengthen our community during this stressful time.

Thank you for your consideration of this testimony.

Respectfully,
John Keoni Fujitani
Executive Director
Ku'ikahi Mediation Center

Hq 3/17/10

9:30 am

In support of HB 2000 + H01 & H02

To Whom it may Concern,

I'm writing this letter to inform you of my experience as a former graduate of the Family Court Drug Court program here on Maui. The program has been definitely a life changing experience for me. It has surrounded me with really awesome resources. I had transitioned into being a long time drug user with criminal intentions, to becoming a sober, responsible person making the right choices in my life today. The program has been the driving force behind me encouraging me to do right.

I give great gratitude to the Family Court Drug Court program and all the other service branches that are in conjunction with the program that had a great influence on my life. It is a very remarkable program, the staff, the team, the Judge & the Therapist. All participate and perform really great work ethics. They get involved with the clients & their families which expresses their affection very caring.

My experience with the Family Court Drug Court has been phenomenal. I would greatly recommend people to do the program because I find that it really worked for me. It's very structural, it enforces positive actions and behaviors to have positive outcomes.

This has been by far one of the greatest programs I've been able to accomplish ever in my life and I feel so honored to have been a part of it. I will continue on my journey and know that through the program I have gained a lot of wisdom and knowledge and with that I can overcome obstacles in my life on very positive levels. Thank - you FCDC. And thank you to those concerned I greatly appreciate your time!

Thank you very much,
Brandy Kinoshita
Brandy Kinoshita
3.3.2010
808-249-2609

In Support of HB 2000 - HD1
H02
HQ 3/17/10, 9:30am

February 28, 2010

To Whom It May Concern,

My name is Michelle Kanada and I am a recent participant of the Maui Family Court Drug Court. I recently graduated the program on February 23, 2010. From my experience in the program, I found it to be a very helpful and supportive program.

My life before Maui Family Court Drug Court was so chaotic and dysfunctional. It was full of drugs, partying, lying, stealing, and hatred. I would never take responsibility for any of my actions or for my choices. I used to think that I could get away with anything. I never cared how anyone else felt. I never even cared how I really felt inside. All I seemed to care about is getting high.

My time during Maui Family Court Drug Court was a great experience. At first I didn't want to be in the program. I hated everything about it. But then I grew to appreciate the help that the Maui Family Court Drug Court team offered me. I can say that without Maui Family Court Drug Court I would've never gotten clean and sober. I also would've never gained my independence. I got to have a lot of structure and guidance from the team. They made me see what was best for me. I also got to learn boundaries, something that I never had. Maui Family Court Drug Court kept me on my toes. Making sure that I got everything done that was recommended of me and when I would forget to do something I would receive a consequence so that I could learn from it and hopefully next time I wouldn't forget to do it. I gained back custody of my son and finished all my treatment. I am now living at KHAO with my husband and my three children. I have grown a lot throughout this past year and five months that I've been with Maui Family Court Drug Court. I really support this program and believe that it is a very helpful program. I still want to attend their Family Groups to be a support and help out the new comers.

Today recovery is a part of my life. Without my recovery I would not be where I am today or accomplished the things that I have accomplished. I need to keep reminding myself about where I have come from and if I want to go back there. I know that I can never go back to my old life and still have what I have today. I love my life today and I wouldn't trade it for anything. I owe my thanks to Maui Family court Drug Court for not giving up on me and pushing me do the right things. I hope that you will keep on funding this program because it really does make a difference in people lives.

Thank You,

Michelle H.K. Kanada

Michelle H.K. Kanada

(808) 268-5498

Healing 3/17/10 9:30am

Lydee Ritchie, MA, Licensed MFT
Intensive Family Therapist, Aloha House, Inc.
Maui Counseling Group
1787 Wili Pa Loop #7
Wailuku, HI 96793

Testimony by:
Lydee Ritchie, MA, LMFT
HB 2009 HD 1 e402
Position: Support

I am a Marriage Family Therapist licensed in the State of Hawaii. I work as an Intensive Family Therapist (IFT) for the Family Court Drug Court of the Island of Maui, providing treatment for up to three generations of family members at one setting in their homes. I also facilitate the Friends and Family Support Groups for the Maui Drug Court on Maui; and am a counselor at the Co-occurring Disorders (COD) Day Treatment Program under Aloha House, Inc. in Wailuku, Maui.

The entire family needs to be treated for addiction, its patterns and symptoms can be changed effectively with the help of FCDC's multisystemic wrap-around level of care and services. Over the years we have seen a substantial decrease in the recidivism rate of substance abuse in the State due to the effectiveness of the Drug Courts. We have also noticed a decline in the multi-generational drug use culture and its effects of violence, crime, and abuse of children.

The drug courts emphasize stable, secure living and work environments for the younger generations as well as the current generations of substance users who are trying to clean up their lives and become functioning members of our society. Drug Court participants are required to finish their High School education, further their education through vocational or college classes, become 100 percent legal in their transportation and licensure needs, pay off any and all outstanding debts to the State or County municipalities, and secure their family ties - all with amazing success due to the structure of the Drug Court programs.

Drug Court also helps with diagnostic measures of co-occurring disorders for clients. With ongoing therapeutic support, prescribed medications, and cognitive understanding, clients do not have to resort to illegal substances for "self-medication."

We in the Drug Court services field strongly urge continued funding of the Drug Court programs in the state of Hawaii. Let's all do our part to help live a cleaner Hawaii. If there are further questions, concerns, or clarifications of the Drug Court programs on Maui, please do not hesitate to call on me. I can be reached directly at (808) 270-3008.

Sincerely,

Lydee Ritchie, MA, Licensed MFT

R 3/2/10

hearing 3/17/10, 9:30 am

Daniel Uhrich, MA, LMFT, QMHP
Intensive Family Therapist, Clinical Supervisor
135 S. Wakea St., Suite 208

Presented by:
Daniel Uhrich, MA, LMFT, QMHP
FB 2009 ED 1

Position Support

I am a licensed Marriage Family Therapist in the state of Hawaii. I am also the Clinical Supervisor for the Family Court Drug Court of the Island of Maui. I facilitate the Friends and Family Support Groups for the Maui Drug Court on Maui. I am a staunch advocate of the Drug Court programs in Hawaii.

Over the years we have seen a substantial decrease in the recidivism rate of substance abuse in the State due to the effectiveness of the Drug Courts. We have also noticed a decline in the multi-generational drug use culture and it's effects of violence, crime, and abuse of children. Less state dollars are spent on CPS and domestic violence issues, as well as the cost of incarceration, due to the decline in substance use and abuse.

The drug courts emphasize stable, secure living and work environments for the younger generations as well as the current generations of substance users who are trying to clean up their lives and become functioning members of our society. Drug Court participants are required to finish their High School education, further their education through vocational or college classes, become 100% legal in their transportation and licensure needs, pay off any and all outstanding debts to the State or County municipalities, and secure their family ties - all with amazing success due to the structure of the Drug Court programs.

Drug Court also helps with diagnostic measures of co-occurring disorders for clients. With ongoing therapeutic support, prescribed medications, and cognitive understanding, clients do not have to resort to illegal substances for "self-medication".

We in the Drug Court services field strongly urge continued funding of the Drug Court programs in the state of Hawaii. Let's all do our part to help live a cleaner Hawaii. If there are further questions, concerns, or clarifications of the Drug Court programs on Maui, please do not hesitate to call on me. I can be reached directly at (808)268-3435.

Sincerely,

Daniel Uhrich, MA, LMFT, QMHP

2 3/10/10

Hearing 3/17/10, 9:30 am

03/02/2010

To: Hawaii State Legislature

From: Allison Scales, Ph.D.
Na Pu'uwai Native Hawaiian Healthcare System (Molokai)

Re: Testimony in Support of HB2000 HD1 for Hearing
~~RELATING TO DRUG COURT~~
Description: Appropriate funds to support the Drug Court program

Thank you for considering House Bill 2000 HD1

I support HB2000 HD1 as a bill for an act that will appropriate funds to support the Hawaii Drug Court program. There is a desperate need for continued Drug Court programs across our state and this bill will do much to address this need.

I am writing to urge you to support funding for the Drug Court program. Drug Courts are a vital tool in combating drug abuse, addiction, and crime in our state and our nation.

Drug Courts are a collaborative, comprehensive, and proven effective resource to our national drug control strategy. In fact, there has been more research published on the effects of Drug Courts than on virtually all other criminal justice programs combined. That research includes a report by the Government Accountability Office (GAO) that concluded that Drug Courts reduce crime, recidivism rates for offenders, and save money for taxpayers. (GAO-05-219).

Additionally, the Department of Justice issued a report confirming that Drug Courts are a critical part of our national strategy against methamphetamine abuse. Research continues to demonstrate definitive evidence for the efficacy and cost-effectiveness of Drug Courts. Recently the Urban Institute, in a report about the prospects of expanding Drug Courts, estimated a cost/benefit ratio as high as \$3.36 for every \$1.00 invested in treating drug-addicted offenders in a Drug Court program. When considering savings from reduced victimization and reduced healthcare service utilization, studies have reported an economic benefit as high as \$12 for every dollar invested.

It is an undisputable fact that Drug Courts work. These programs strike a proper balance between the need to protect community safety and the need to improve public health; between the need for treatment and the need to hold people accountable for their actions; between hope on the one hand and productive citizenship on the other. It is vital to our nation's families, communities, and drug control strategy to put a Drug Court within reach of every American who needs one. That is why I urge you to support bill HB 2000 HD1.

Maui Family Drug Court Program is a unique program that includes a behavioral health treatment component in assisting individuals in achieving sobriety and gaining skills to become confident, positive, contributing members of society. Most valuable is the power of the MFDC to also benefit individuals' families and support systems. I have personally seen how treating individuals has positively improved the behavior of their children and their parents. Treating one individual improves the lives of countless others in their support system by helping to lower their chances of being part of the generational cycle of drug/alcohol abuse and helping them to envision a positive, hopeful future.

In order to keep this valuable program in Hawaii, I urge your support of HB2000 HD1.

Thank you for considering funding for the Drug Court Program, an important and proven program

Sincerely,
Allison Seales, Ph.D.
Na Pu'uwai
Behavioral Health Program
P.O. Box 130
Kaunakakai, HI 96748

In support of HB-2000-HD1 & HD2
Meeting 3/17/10, 9:30 am

March 1, 2010

To Whom It May Concern:

My success in the Family Court Drug Court has been a result of the combination of services that were provided to me. My name is Kristen Silva and I graduated in June of 2009. I have remained clean and sober and continued to practice good behavior over 23 months of sobriety. There are a number of agencies that I would like to stress the importance of the FCDC operation and staff. Although I am not sure of the services that I would like to highlight for their usefulness in this assessment.

I believe that the longer I stayed in treatment for substance abuse the better my success rate to remain clean and sober after graduation. I was first introduced to Aloha House treatment in 1998. When I entered the program of FCDC in March of 2008 they opened the door for me to receive help. I was homeless and really desperate for help. I completed 87 days of residential treatment and I am forever grateful for that opportunity. Next I went to Malama Family Recovery Center and continued on a journey to reconnect with society. If I were not encouraged to participate in this plan of action I don't think I would have chosen it on my own. The process built stepping-stones to my being willing and able to handle life after FCDC.

The next service offered me a way to communicate with those people who are a part of my support network. My family therapist helped us understand addiction in the past and its affects on the family unit after recovery. Family therapy was an effective way to bring those people in my life together. I worked closely with my therapist and she kept me in sync with my goals in life. At times when I needed clarification on how to handle situations I received feedback. I think having a therapist improved my motivation to continue moving forward in the program. Her attitude was positive and we focused on my strengths that inevitably minimized my weaknesses. The process was sometimes intense and offered much needed healing. I never knew how many people I'd hurt until I uncovered all the damaged relationships of my past. I grew from the experience and realized that my choices today affect the outcome of tomorrow.

Pg 1 of 2

Support of hb 2000 - H DA

Lastly, the team of FCDC superiors without a doubt put me in right standings among the community. I followed the guidelines and did what was expected of me. Since I was in a residential treatment center, I was provided with a lot of support. I took care of my own needs. I felt their demands were more than I could bear. This is only because before I was in with situations in life. Meetings with case managers kept me focused and motivated to keep up the good work. Before submitting to court, I was bound by a case. My family was torn apart and I had no true friends. While in FCDC I made new friends and now have a beautiful relationship with my family. I continue to go to Multi-family group when my schedule permits just so others can see where their lives can be if they allow it.

In my situation FCDC gave me a new life. I look back and I am grateful that they put me into residential treatment and told me where to go afterwards. They provided me with a professional therapist who guided me along the way. FCDC held me accountable to repair my past criminal and traffic record and encouraged me to become a better citizen. I knew I needed help and they organized a plan for me to get back into the stream of living again.

Sincerely,

Krasten Silva

(808) 463-0393

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, March 17, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

A G E N D A

RELATING TO THE JUDICIARY.

Appropriates funds to the Judiciary for FY 2010-2011. Effective December 21, 2008. (HB2000 HD2)

JGO, WAM

Melissa Dameron

Maui Drug Court

The Maui Drug Court program has changed a lot of areas in my life for the better. While growing up, drugs were a big part in my parent's life. As for me being that I was gullible, I wanted to grow up to be just like them. Unfortunately that has led me in the wrong direction in life. I ended up involved with Child Protective Services, Juvenile Court, and now Circuit Court, which is located on the fourth floor of the court house. That is where I go before the judge now twice a month to present my progress in this program. There are requirements throughout the four phases in this program. Phase 1 is mainly commitment and surrendering to the program. Phase 2 is passed at least three tests for my G.E.D, getting a physical and part time work or school. Phase 3, obtain my G.E.D, advance to full time work or school and pay off any outstanding court fees. Phase 4 obtain full time work or school for 12 weeks to graduate. It's a start to being a responsible productive member of our society. The skills and tools that I am learning are relapse prevention, assertive communication, how to manage anger and stress, and coping skills. All of these that I have just mentioned help me daily in my personal life to communicate well with people. Communication is a key to healthy relationships. Overall learning to discover myself and finding the real me is something I value most today. My goal in this program is to love myself for me, and not who someone wants me to be.

Written
Testimony
for →

Calvin Pang
Associate Professor of Law
William S. Richardson School of Law
2515 Dole Street, #242
Honolulu, Hawai'i 96813

March 15, 2010

Judiciary and Government Operations Committee
Hawai'i State Senate
c/o 415 S. Beretania Street, Rm. 219
Honolulu, Hawai'i 96813

RE: Letter in Support of Preserving the Judiciary Budget:
Hearing 3/17/10 at 9:30 a.m.

Dear Chairman Taniguchi and Members of the Senate JGO Committee:

I am writing to urge the Senate JGO Committee to preserve the budget as requested by the Hawai'i State Judiciary. As a member of several groups having contact with the Judiciary, I know how close to the bone the courts have trimmed their budget. It disheartens me to know how much deprivation will already occur under the streamlined budget proposed by the Judiciary.

I am especially concerned about cuts to the statewide Children Justice Program and its Centers. I am constantly awestruck by the courageous, necessary, and skillful work they do with severely abused children. It takes special expertise to perform their investigative functions while moving the children forward on a physically, emotionally, and spiritually healing journey.

Here at the law school, CJC has come to our classrooms to teach interviewing and counseling techniques to law students interested in working with children traumatized by abuse. Our students understand and deeply respect the expertise that underlies the information imparted and the manner in which it is shared. So impressed are we with the interviewing and counseling skills of CJC staff, we recently invited CJC's statewide director to judge the final rounds of the American Bar Association's Client Counseling Competition.

I understand the hard decisions faced by the Legislature. However, I urge this Committee's support of the Judiciary as it strives to provide justice, in all its legitimate forms, to the people of Hawai'i. I also urge it to remember the Children Justice Program and its Centers, and

the outstanding manner in which they have accomplished their difficult work for their clients and our community.

Please do not hesitate to contact me at 956-7474 if I can be of further assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cal Pang", with a stylized flourish extending from the end.

Calvin Pang

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 3:06 PM
To: JGO Testimony
Cc: ross@hyoc.org
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Ross Taosaka
Organization: Hawaii Youth Opera Chorus
Address: P.O. Box 22304 Honolulu, HI 96826
Phone: 808-265-4736
E-mail: ross@hyoc.org
Submitted on: 3/15/2010

Comments:

Please consider this as my very strong support of HB 2000 HD2. As a prior member of the JHC board and as an attorney here in Hawaii, I know that much work and selfless hours have resulted in a Center that is historically important, educational for Hawaii's people as well as for those who come to visit us, and as vital and necessary part of reminding who we are as a society. The events sponsored and spearheaded by the JHC are varied and numerous, and there are many who have been instilled with great appreciation of how far we have come as a civil and cultured community. In addition to what many likely "expect" the JHC to provide such as tours and lectures, I point out as just one example how the Center is working with our non-profit organization, the Hawaii Youth Opera Chorus, to present a operetta, Trial By Jury, in the historic courtroom. Far beyond mere entertainment, it will keep in the forefront of every attendee's mind that Hawaii has a colorful and important judicial past and that the value it provides cannot be duplicated and is priceless. We need to perpetuate all of this, and share it with people of all ages and from all over the world.

Thank you for considering this testimony in support of HB2000 HD2.
Ross Taosaka
Director of Development
Hawaii Youth Opera Chorus

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Honorable Senator Brian Taniguchi, Chair
Other Honorable Committee Members

Wednesday, March 17, 2010
9:30 p.m.
Room 308

HB 2000 HD2 STRONG SUPPORT FOR TO PRESERVE JUDICIARY'S BUDGET

I STRONGLY SUPPORT this measure providing funding for our state judiciary.

The Hawai'i state judiciary has been a leader in piloting programs that increase public safety by decreasing criminal recidivism. The programs also increase healing for victims and others harmed and traumatized by crime. Our judiciary is far more effective, and costs about \$100 million less annually, than our corrections system, not including recidivism prevention savings.

The savings that the judiciary provides our community, with its programs that reduce recidivism more than other state programs, is sufficient justification to provide the requested funding.

Our state courts have piloted evidence-based programs that prevent repeat crime. In addition to the H.O.P.E. program, the judiciary has collaborated in other projects have been reported around the world and are being replicated in other states and countries. One program report is available on line at: http://www.uscourts.gov/fedprob/June_2009/FocusedApproaches.html

The Judiciary helps prevent recidivism with these programs. The state's savings of \$50,000 a year for every person keep out of prison, and the prevention of the serious harm caused to those hurt by crime, pays for the Judiciary's expenditures. The social costs of imprisonment are extremely high and were recently documented in a paper *Everyone Pays: A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai'i*, co-authored by Thomas Lengyel, of the American Humane Society, and University of Hawai'i professor Marilyn Brown.

The Hawai'i Friends of Civic & Law Related Education (www.hawaiifriends.org) has collaborated with the Judiciary and especially benefited from the assistance of the Judiciary History Center and its Director Matt Mattice in providing violence prevention and restorative justice programs. These programs have benefited thousands of youth and other marginalized people in our community for many years.

My experience working in the Hawai'i justice system includes being a lawyer since 1983, and a public health educator since 1996 doing programs, several of which were collaborations with the Judiciary.

Thank you for this opportunity to testify and your hard work. Please pass this measure and support our Judiciary in its work to help keep our community safe and save human and material resources.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 3:25 PM
To: JGO Testimony
Cc: zeakau@ksbe.edu
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Zeoma Akau
Organization: Individual
Address:
Phone:
E-mail: zeakau@ksbe.edu
Submitted on: 3/15/2010

Comments:

Aloha!

Please do not cut the Judiciary History Center's budget. It has been an integral part of our curriculum dealing with Hawaiian and westerner perspectives concerning land rights and ownership. We normally take about 105 seventh grade students to the Judiciary History Center in January. The professional staff gives a wonderful and informative presentation. The students enjoy the interaction as they are able to act out the skit. There are no other on-going programs that would touch on such historical issues. Furthermore, as a summer Explorations instructor for 19 years, we utilized the center daily for 6 weeks for a fieldtrip for at least 16 summers.

Mahalo a nui loa for allowing me to express my support for the Judiciary History Center.

From: Linda Swanson [homes@lindaswanson.com]
Sent: Monday, March 15, 2010 3:42 PM
To: JGO Testimony
Subject: HB 2000, HD2

Aloha,

Please do not cut funds for the Mediation Centers in Hawaii. I have been helping in court related matters for over 10 years in Hawaii County and know that without this service, our judiciary system would be logged down with needless cases that have been handled by mediators.

Mediation is the most cost effective MODEL there is to deal with conflict.

DO NOT STOP ITS PROCESS. FUNDS NEED TO CONTINUE TO FUNNEL INTO THIS AREA.

Linda Swanson

Linda Swanson, RB

To: Senate Way and Means Committee

From: Ms. Gayle Lau, NHA, Administrator *GL*

Date: 3-15-10

**Senate Committee Chairman, Senator Brian Taniguchi, Vice-Chair
Senator Dwight Takamine, and members of the Ways and Means
Committee:**

**Thank you for this opportunity to submit my testimony on behalf of
the Judiciary's Budget. My name is Ms. Gayle Lau and I am the
administrator for Nuuanu Hale, a Medicare/Medicaid certified skilled-
intermediate care facility.**

**I have had the opportunity to work with one of the Judiciary's
programs, the Office of the Public Guardian in their capacity as court-
appointed legal guardians for incapacitated adults. Without the
services of Office of the Public Guardian many of our incapacitated
senior citizens would be without an advocate or decision maker.**

**I know of a situation where a severely impaired resident had family,
but for whatever their personal reasons, no one came forward when
the resident went to the hospital with a life-threatening condition.
With no decision maker, the resident was kept on life support
measures for weeks until Office of the Public Guardian was appointed
and served as emergency guardian.**

**With their appointment, Office of the Public Guardian was able to
work with the physician to make appropriate medical treatment
decisions in the resident's best interest. Sadly, the resident passed
way. But, thanks to the Office of Public Guardian, the resident was
kept comfortable and pain free in a dignified environment, and the
State was spared from unnecessary medical expenses.**

*Gayle Lau NHA
Administrator*

February 23, 2010

Brian T. Taniguchi
Hawaii State Capitol
415 S. Beretania Street, Rm. #219
Honolulu, HI 96813

Dear Senator Taniguchi,

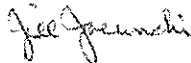
I am writing to express my support of the Children's Justice Center and the multi-disciplinary approach to responding to child abuse, particularly child sexual abuse. It is very important to our community that the Judiciary's budget, which includes the Children's Justice Centers, be maintained.

It is well documented and researched that a coordinated, multi-disciplinary response by specially trained investigators and other professionals is the best practice when dealing with reports of child sexual abuse and child victims/witnesses of crime. The development of CJC's (also known as Children's Advocacy Centers or CACs) is based on this premise. (Chandler, 2000; Cross, Finkelhor, Walsh, Simone and Kolko, 2005).

The CJC safeguards the integrity of child abuse investigations by providing a child friendly location as well as through the development of, and training on, forensic interview guidelines.

These children have already been victimized once, it is very important that we do all we can to insure they are not also victimized by the system via budget cuts and/or reduced funding.

Sincerely,



Jill Jacumski
PO Box 4564
Hilo, Hawaii 96720

cc: T. Lum, CJC-East Hawaii



UNIVERSITY OF HAWAII
HAWAII
COMMUNITY COLLEGE

February 16, 2010

Dear Legislator:

We are writing to express our support of the Children's Justice Center and the multi-disciplinary approach to responding to child abuse, particularly child sexual abuse. It is very important to our community that the Judiciary's budget which includes the Children's Justice Centers be maintained.

The CJC safeguards the integrity of child abuse investigations by providing a child friendly location as well as through the development of, and training on, forensic interview guidelines. This ensures that Interviews are conducted in a neutral and fact-finding manner.

The CJC is important because it ensures that the children who disclose about being abused are not further victimized and the intervention systems and team will protect them. Child Abuse is a major problem and a very important concern throughout the world. CJC is designed to meet the needs of abused children, children that witness violent crimes, and also supports and assists the victim's families. CJC also provide referrals to Professionals and their agencies and provide the needs for the victim.

For over fourteen years as a Detective assigned to the Juvenile Aid Section with the Hawaii County Police Department, I was able to experience working in both East Hawaii and West Hawaii CJC which provides the safety, comfort, and professional needs for the victim, Law Enforcement, Child Welfare Services, Mental Health Agency, and other professional agencies that assists the victims at the CJC.

We humbly ask your assistance in support of maintaining the budget for the Children's Justice Center.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Ann G. Mezia".

Andrea Ann G. Mezia

(Retired Police Detective HCPD) Instructor - Administration of Justice UHAWCC

Students of AJ-101 Intro. to Administration of Justice

Students of AJ-210 Juvenile Justice

Cc: Mrs. Terrilyn Lum, CJC-East Hawaii

Students in support of this letter. We humbly ask you to assist in maintaining the Judiciary's budget which includes the Children's Justice Center.

UH H| Hawaii Community College Students in Support of keeping the Budget for CJC.

Administration of Justice 101 and 210 Class Instructor: Andrea "Ann" G. Mejia

Cherie Kauahi

Kody Agbayani

Amber Oodasan

CHANDLER L. LOE ~~CHANDLER L. LOE~~

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

Larrea Enriquez

Deany Luyigat

Julia Miele

Kristin ~~Wong~~

Chyanne Makalu

Nat Hardy

Eira J. Mohrman

Kory Brown

Adam Cruise

[Handwritten signature]

Brian Caluar

Maria ~~Alvarez~~

Janf

[Handwritten signature]

Shelby ~~Myer~~

[Handwritten signature]

[Handwritten signature]

Students in support of this letter. We humbly ask you to assist in maintaining the Judiciary's budget which includes the Children's Justice Center.

UIC/Hawaii Community College Students in Support of keeping the Budget for CJC.

Administration of Justice 101 and 210 Class Instructor: Andrea "Ann" G. Mejia

Mary Jane Taylor

Makana Brown

Elaine M. Spencer

[Signature]

Stacy Aguiari

[Signature]

Andrea A. Cuervo

[Signature]

[Signature]

Amber C. Swanson

[Signature]

[Signature]

[Signature]

Randee Steinhilber

Halima W. Wain

[Signature]

Mary Jane Taylor

[Signature]

Jordan Dr.

Amber Candace

Savee S. Swanson



UNIVERSITY OF HAWAII
HAWAII
COMMUNITY COLLEGE
Feb. 25, 2010

Dear Legislator:

I am writing to express my support of the Children's Justice Center and the multidisciplinary approach to responding to child abuse, particularly child sexual abuse. It is very important to our community that the Judiciary's budget which includes the Children's Justice Center be maintained. The CJC safeguards the integrity of child abuse investigations by providing a child friendly location as well as through the development of, and training on, forensic interview guidelines. This ensures that interviews are conducted in a neutral and fact-finding manner.

As an instructor of "Introduction to Human Services" at Hawaii Community College I utilize the CJC to educate my students who are pursuing the field of human services, investigation, police work, child protective services, signs of abuse, etc.

Victims of sexual abuse are traumatized by this crime; adults have a hard time coping following this type of crime. Children have an even more difficult time readjusting, trusting, and dealing with the emotional scars of these crimes. The CJC is a critical piece of the healing process and not just another sterile hospital room.

I have been taking my student to CJC as part of their class, and when we reflected on the CJC this is what I received back from my students.

We the students of Hawaii Community College, Introduction to Human Services Class, request that CJC continue to be maintained for these reasons.

The CJC is important because:

1. Helps victims get justice.
2. Validates a child's sense of worth.
3. Provides pivotal evidence in court hearings.
4. Helps children/families begin to heal.
5. Provides friendly, comfortable, safe, place for children to recount events.
6. Provides meeting places between agencies involved in same cases.
7. Guides families to other resources for assistance.
8. Help children to restore faith/trust in adults.
9. Is additional resource for college practicum students
10. Provides college students insight to agencies/services in our community.

Valerie Hafford, Lecturer
Hawaii Community College
Human Services 110: Introduction to Human Services
(Attachment)

Print

Sign

- | | |
|---------------------------------------|--------------------------------|
| 1. Alusha Cohen | Alusha Cohen |
| 2. Leina Niha | Leina Niha |
| 3. Dreama Alegretti | Dreama Alegretti |
| 4. Shayna Wagaucars | Shayna Wagaucars |
| 5. Mon T. | Mon T. |
| 6. Alva Pearson | Alva Pearson |
| 7. Cranae Espejo | Cranae Espejo |
| 8. Kira Lisada | Kira Lisada |
| 9. Danielle Haili | Danielle Haili |
| 10. Mathick P. Cwcong | Mathick P. Cwcong |
| 11. John Lamas | John Lamas |
| 12. Michael P. Pichetti | Michael P. Pichetti |
| 13. Clarisse Ogasca | Clarisse Ogasca |
| 14. Clarence C. Carter | Clarence C. Carter |
| 15. Christian Pua | Christian Pua |
| 16. Andrew Ocanu | Andrew Ocanu |
| 17. SHERLYN PASION | SHERLYN PASION |
| 18. Megan Pasoff | Megan Pasoff |
| 19. John Forano | John Forano |
| 20. Lolita (Lloman) | Lolita (Lloman) |
| 21. | |
| 22. | |
| 23. | |
| 24. Mrs. Valerie Hafford Lecturer HCC | |
| 25. | |
| 26. | |
| 27. | |
| 28. | |
| 29. | |
| 30. | |

From: Janie Chandler Edmondson [alohajanie@gmail.com]
Sent: Tuesday, March 16, 2010 10:57 AM
To: JGO Testimony
Subject: HB 2000, the hearing date, March 17, and time, 9:30 am

Aloha,

This is in reference to HB 2000, the hearing date, March 17, and time, 9:30 am

I am a mediator for West Hawaii Mediation Center.

As a mediator I have seen the importance of the service provided by WHMC and the Judiciary. Mediation assists community members in resolving a wide range of disputes including Divorce, Custody, Landlord/tenant, small debt, neighbor and other issues. Residents have come to rely on this service as a place to turn to to resolve disputes, especially when they cannot afford traditional legal services. The importance to families in having a place to resolve issues in a constructive and cooperative manner is immeasurable. I applaud the Judiciary in supporting this and many other essential services and ask that you refrain from imposing further cuts on a invaluable service.

Mahalo,

Janie

From: lawbess@aol.com
Sent: Tuesday, March 16, 2010 11:49 AM
To: JGO Testimony
Subject: Testimony: HB 2000, HD2

This testimony is for the hearing of the Senate Judiciary Committee on March 17, 2010 at 9:30 am.

-----Original Message-----

From: lawbess@aol.com
To: JGOTestimony@Capitol.hawaii.gov
Sent: Tue, Mar 16, 2010 9:08 am
Subject: Testimony: HB 2000, HD2

The Honorable Senator Dwight Takamine
Vice Chair, Senate Committee on Judiciary

March 16, 2010

Subject: HB2000, HD2

Aloha Dwight,

As we have discussed previously, West Hawaii Mediation Center provides valuable services to the communities of Honoka'a, North and South Kohala and Kona. These cost effective services assist the judiciary in resolving court disputes with community volunteer mediators. What may sometimes be overlooked are the substantial number of cases that are handled by our mediators that are not court initiated—thereby further reducing court caseloads. While we recognize that this is a time for belt-tightening we ask that you give special consideration for making sure that support for mediation services continues. We have done our part in adjusting to the fact that despite budget cuts of 20% over the past two years, the caseload referred by the courts to West Hawaii Mediation has doubled. The demands for our services continue to increase in light of the increased stresses on our community members due to difficult economic times. Although we have the volunteers who are willing to provide mediation services, we can only provide these services if we are able to cover the cost of two part-time staff members and other overhead costs which we have kept to a bare minimum. PLEASE CONSIDER EARMARKING THE JUDICIARY'S BUDGET SUCH THAT FUNDING FOR WEST HAWAII MEDIATION IS CONTINUED AT ITS PRESENT LEVEL AND/OR THAT ANY JUDICIARY BUDGET CUTS DO NOT UNFAIRLY IMPACT OUR OPERATIONS. When the Judiciary as a whole takes a cut, as it did last year, some Judiciary expenses cannot be reduced. The end result is that there is a multiplier effect - the POS contracts, like the Mediation Centers of Hawaii contract, are cut by a significantly larger percentage than the overall cut. Last year, our percentage cut in funding was four times that for the Judiciary as a whole.

Thank you for your kokua. On another note, please know how much we at Kanu O Ka Aina appreciate what you are doing to assure equitable funding for charter schools. We can't thank you enough.

Aloha,
Steve Bess
Board Member and Mediator
West Hawaii Mediation Services

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

From: Anita Giovanna Gherardi [aggherardi@hawaiiantel.net]
Sent: Tuesday, March 16, 2010 11:56 AM
To: JGO Testimony
Subject: HB 2000, HD2 urgent information

Regarding HB 2000, HD2..hearing Wednesday, March 17, 2010 at 9:30 am

I am a volunteer mediator and past president of the West Hawaii Mediation Center and strongly request that the current level of funding for the Judiciary be maintained...please do not cut the budget. As Chief Justice Moon stated in his January presentation, the Judicial system cannot tolerate any further budget cuts. The impact of such cuts would have serious negative impact on our communities. Last year our percentage of cut in funding was four times that of the Judiciary as a whole.

Facts for you to know:

Over the past three years, the number of cases referred to WHMC by the courts has doubled and our funding has been cut by 20%. Our capacity is limited not by the number of volunteers or the number of hours our mediators are willing to donate but by the ability of two, less than full-time employees to manage the caseload. Last year's funding amounted to approximately \$170 for each case referred by the courts. By maintaining, or even increasing, our capacity we will provide significant cost savings to the court system. Cutting the programs that save the courts money makes no sense, and the way to protect our contract is to advocate that there be no cuts in the State's funding of the Judiciary.

Please do not allow this situation to occur.

Anita Giovanna Gherardi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 10:50 AM
To: JGO Testimony
Cc: Joy_Buckland@notes.k12.hi.us
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: JOY BUCKLAND
Organization: Individual
Address:
Phone:
E-mail: Joy_Buckland@notes.k12.hi.us
Submitted on: 3/16/2010

Comments:

Dear Senator Brian T. Taniguchi;

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget at its current level, which includes funding for the Judiciary History Center.

As a third grade teacher at Lunalilo Elementary School, I have taken my class to the Judiciary History Center for the past 6 years, along with the rest of the third grade teachers and students. We plan this field trip in conjunction with a trip to the State Capitol to see the Senate and the House of Representatives.

It has been an extremely educational and enjoyable field trip to highlight the third grade HCPSIII standards for understanding the functions of the branches of the government. All our teaching efforts are highlighted when the students actually get to sit in an real courtroom and are given extra information from the knowledgeable educational specialists at the Judiciary, or to see the legislature in action. Our school is a Title I school which means that a high percentage of our students would not have this kind of experience if it were not for our field trip. Their understanding of the workings of the government are greatly enhanced because of this real life event. It would be a terrible loss to have the budget cut for the Judiciary History Center any more than it already has been.

Sincerely,
L. Joy Buckland
Grade 3 Teacher
Lunalilo Elementary School

From: LeRoyGrose@aol.com
Sent: Tuesday, March 16, 2010 9:55 AM
To: JGO Testimony
Subject: State Judiciary Funding

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

Re: Measure HB2000, HD2 hearing Wednesday, March 17, 2010, 9:30 a.m.

Aloha Senators Taniguchi and Takamine,

I would like to add my voice to those asking you not to make any further cuts to the funding for the state judiciary. Chief Justice Moon makes the point well in his recent State of the Judiciary speech:

The Judiciary is already at the stage where lack of resources is affecting public safety and the administration of justice. Program budget cuts, court closures due to furloughs, prior staff reductions, and hiring freezes have already affected employee workloads and increased the amount of time it takes to process cases and do the work that is necessary to the administration of justice.

The cruel irony in these difficult economic times is that the demands on our courts intensify, and, unfortunately, no matter how much we are called upon to sacrifice in terms of court programs, salaries, benefits, and the like, nothing compares to the devastating impact that the current situation has and will continue to have on our citizen's access to justice.

Real people are effected by these cuts in so many painful ways. As a volunteer mediator, I see the number of lives that currently are benefited by Judiciary funding effectively leveraged by volunteer time and I deeply regret the number of people who already cannot be helped because of limited resources.

Because some Judiciary expenses cannot be reduced, the Judiciary's POS contracts, like the Mediation Centers of Hawaii contract, are disproportionately effected by reductions in funding for the Judiciary. As Justice Moon said about the POS contracts:

These contracts involve the purchase of assessment and/or treatment services for substance abuse, child sex abuse, and mental health, as well as provide emergency shelter services, juvenile client and family services, anger management and victim impact classes, and more. The significant reduction in the availability of these types of services is already impacting our specialty courts and treatment programs. We are concerned that any further reductions of services, or the elimination of these services altogether, will have serious consequences for our citizens in the form of increased domestic violence and other crimes, higher recidivism rates, prison and/or juvenile facility overcrowding, as well as increased concerns regarding public safety and delayed access to justice.

Over the past three years, the number of cases referred to West Hawaii Mediation Center by the courts has doubled and our funding has been cut by 20%. By maintaining, or even increasing, our capacity we could provide significant cost savings to the court system. Cutting the programs that save the courts money makes no sense and I ask that the judiciary not be one of the budget cuts.

Mahalo nui loa

LeRoy Grose

From: Andrew Smith [ASmith@ahfi.com]
Sent: Tuesday, March 16, 2010 9:34 AM
To: JGO Testimony
Subject: TESTIMONY: HB 2000, HD2 RELATING TO THE JUDICIARY
Attachments: ATT00001.gif; ways n means hrg.pdf

Dear Senators Taniguchi and Takamine:

AGENDA: HB 2000, HD2 RELATING TO THE JUDICIARY
Appropriates funds to the Judiciary for FY 2010-2011

DATE: Wednesday, March 17, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 016

Please accept this written testimony, which I am submitting pursuant to the Notice of Hearing (attached).

Background: I am an attorney licensed to practice law in the State of Hawaii. Over the past 15 years, my practice has focused in part on guardianship work. I have worked closely with the Office of Public Guardian. I have personally handled well over one hundred guardianships. My clients are primarily hospitals and long term care facilities. Most of the time, OPG is nominated as the proposed guardian of the person. In nearly all cases, OPG has accepted the appointment after notice and hearing. This happens when there is no one else willing or able to serve as guardian.

Why guardianship is necessary: The typical case involves an "incapacitated person" who has been admitted to a hospital or other care facility. This individual, whom I will refer to as "Doe," requires acute or "skilled nursing" care upon admission. Doe is unable to meaningfully communicate with care givers. Doe's incapacity is almost always progressive and irreversible. It arises due to the onset of dementia, head trauma, stroke, drug and alcohol abuse, and debilitating mental illness - to name a few causes.

Most often, Doe is an elderly person who has been abandoned, rejected, or forgotten by family members. Sometimes, no known family members can be located. Sometimes, when family members are located, they refuse to cooperate in any way with the care facility. The family is worn out and frustrated with Doe, and has simply given up trying to help. They do not want to be bothered.

Unfortunately, the family sometimes has a financial incentive to maintain the status quo. They take Doe's social security payment for themselves. They live in Doe's house. They are more than happy to let the hospital bear the staggering expense of caring for Doe under these circumstances.

When Doe stabilizes, an intermediate level of care is recommended. Usually, a care facility can be located outside the hospital that is willing to accept placement of Doe. Frequently, Doe is discharged to a long term care facility or foster care home. A "win win" situation becomes possible: Doe can be safely discharged from the hospital, and the hospital can free up the acute care bed for another patient. Doe's prospects for comfort and quality of life dramatically improve.

However, in the abandonment scenario I have described, Doe is stuck in the hospital. No one is legally permitted to sign discharge orders on Doe's behalf. So the hospital contacts my office. I then petition the court to have OPG appointed as guardian for Doe. OPG can then consolidate the bank accounts, pay bills, make treatment and placement decisions, sign discharge papers, and even apply for Medicaid.

Without access to OPG, however, the hospital would have no recourse other than to "warehouse" Doe indefinitely. Warehousing a physically stable patient such as Doe in an acute care setting drastically increases the odds that Doe will become sick. Doe deserves a second chance. If OPG is not available to make that second chance possible, Doe will languish and die in the hospital.

Public Policy and Fiscal Considerations: Our Hawaii population is aging. The Baby Boomers will soon reach the age when their mental and physical faculties begin failing. The strain on our health care system will be enormous. Our hospitals are not equipped to handle the ever-increasing numbers of lost, abandoned and helpless souls who fall through the gaping holes in our social services network. Ultimately, it is the State of Hawaii which must provide for public health and safety. Private hospitals should not and cannot take on this government function. Yet they are the place of last resort. Only OPG can remedy this untenable situation by intervening when no one else will.

A vibrant and functioning State Judiciary is not a luxury. Our fundamental rights under the State and Federal Constitutions cannot be compromised due to lack of funds. We must find a way to allocate sufficient funds to the Judiciary so that vital State agencies such as OPG can continue to protect the weakest among us.

Senator Hubert Humphrey, in one of his last speeches, famously declared that "the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life; the sick, the needy and the handicapped."

This is a sentiment which has been artfully phrased over the centuries, but perhaps best stated by Pearl Buck when she wrote that "Our society must make it right and possible for old people not to fear the young or be deserted by them, for the test of a civilization is the way that it cares for its helpless members." ~Pearl S. Buck (1892-1973), *My Several Worlds* [1954].

This testimony can be summed up as follows: OPG is the safety valve which alleviates pressure on private hospitals by facilitating placement into more appropriate long term care settings. Without that safety valve, the number of patients residing in hospitals will overwhelm the system. Beds will no longer be available for acute care patients. This is not a far-fetched Doomsday scenario. It is already happening. A tsunami of people needing care is about to hit Hawaii, as the Baby Boomers decline in health. My first-hand experience over the past decade and a half tells me that their families will be unable or unwilling to care for them. OPG can and must do so in their stead.

ANDREW D. SMITH



ALSTON HUNT FLOYD & ING
1001 BISHOP STREET
SUITE 1800
HONOLULU, HAWAII 96813
PHONE: 808.524.1800 FAX: 808.524.4591

EMAIL: asmith@ahfi.com www.ahfi.com

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Ho`omau Ke Ola

"to perpetuate life as it is meant to be"

Date: March 15, 2010

To: Donna Mercado Kim, Senate Ways and Means Committee Chair
Shar Tsutsui, Vice Chair and Members of the Senate Ways and Means Committee

RE: HB 2000 HD2
Testimony of Support

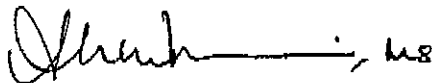
My name is Anne Nunnari, and I am a substance abuse counselor at Ho`omau Ke Ola. I have been involved with Family Drug Court in the state of Hawaii for the year and a half. Several of our clients are referred to us from Family Drug Court, whose goal it is to promote healthy, functional and drug free parents and families. For many clients their participation in Family Drug Court provides a driving motivation to seek sobriety and treatment that many have not experienced before in their lives.

Family Drug Court is an integral part of the Judiciary and affords clients a wealth of services to assist with clients' reintegration to the community as well as into the lives of their families. This is done through critical funding, services and community referrals.

Therefore, I request that the committee approve any and all funding available to the Judiciary in order to continue the vital support to these clients and families.

Thank you for your time and consideration. Please feel free to contact me at (808) 696-4266 with any questions or if I may be of further assistance.

Sincerely,



Anne Nunnari, MS
Substance Abuse Counselor
Ho`omau Ke Ola



Ho'omau Ke Ola

"To perpetuate life as it was meant to be"

From The Desk of:

Lorrain Burgess
Substance Abuse Counselor
PH 696-4266 xt 223
Email:HKOLBurgess@Hawaii.rr.com

March 12, 2010

To: Senate Ways & Means Committee
Hawaii State Legislature

Re: HB2000 HD2
Testimony of SUPPORT

As you consider the above mentioned bill, it is my hope that you will consider the value of the service and support that Family Drug Court affords our community members. The scope of FDC services and support goes far beyond the families that FDC serves, directly, because with every successful graduate of the FDC program, the lives of an entire community are impacted in a positive way. It goes back to the old adage of when the tide comes in, all ships rise.

It is my hope that your budgeting decision will not interfere with these successes but will, instead, insure many more successes through Family Drug Court.



Ho'omau Ke Ola

"to perpetuate life as it is meant to be"

P.O. Box 837
Wai'anae, Hawai'i 96792

(808) 696-7931
(808) 696-3661 Fax

DATE: March 11, 2010

TO: Donna Mercado Kim, Senate Ways & Means Committee Chair
Shar Tsutsui, Vice Chair
And Members of the Senate Ways & Means Committee

RE: HB 2000 HD2
Testimony of SUPPORT

Aloha, my name is Norma "Sissy" Napalapai and I am the Intake Counselor here at Ho'omau Ke Ola and have had the honor of working with Family Drug Court for the last few years. FDC has been a major referral source for our program and we would like to continue being able to support them and the families they serve.

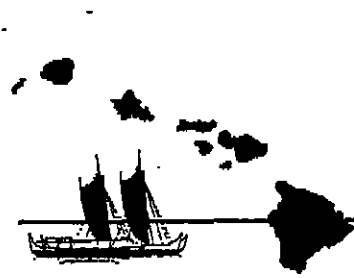
Ho'omau Ke Ola has been in the Waianae Community for the past 20 years and we are privileged to have such great and respectable affiliation to such agencies as Family Drug Court, as we both work towards aiding in the support and education for drug free individuals. Thank you for your time and consideration to this proposal in the efforts to support Family Drug Court.

Norma "Sissy" Napalapai IC
Intake Counselor

85-761 Farrington Hwy #103
Waianae, Hawaii 96792
808-696-3315 (Direct Line)

CONFIDENTIAL: This information has been provided to you from records whose confidentiality is protected by Federal Law. Federal regulations 42 CFR Part 2, and HIPAA prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

P.O.B. 837, Waianae, HI 96792 Ph: 808-696-3315 Fax: 808-696-3661



Ho'omau Ke Ola

"to perpetuate life as it is meant to be"

P.O. Box 837
Wai'anae, Hawai'i 96792

(808) 696-7931
(808) 696-3661 Fax

March 12, 2010

Senate Ways & Means Committee
Chair, Donna Mercado Kim
Vice Chair, Shan S Tsutsai
Committee Members

Re: HB 2000HD2
Testimony in Support

To Whom it may concern,

Hi. My name is Marlen Sommers. I am the CFO at Ho'omau Ke Ola. I tell you this upfront because I want you to know that I am biased in favor of funding the Drug Court Programs. There are several reasons for feeling this way.

First, I believe that our overcrowded penal system wreaks havoc on not only the incarcerated individuals themselves, but also on their families. There is no way for them to connect in a positive manner. For a child to be able to say my parent is in a program that helps them become a better person, to find an alternative way to live, versus my parent is in jail makes for a much more positive image for a child. Jail teaches you to find a better way to beat the system than it does to find a better way to be a parent.

Second, I know that there are programs imbedded in the penal system to help rehabilitate criminals. I have read about some of them and they seem to provide an opportunity to a specific segment of the population. And I can't claim that everyone who goes through rehabilitation sponsored by the Drug Court Programs turns into a productive member of society. But more often than not, the individual is in a better environment to learn and model good behaviors. That type of rehabilitation provides a greater chance for lasting reunification with their family and a better understanding of what is required to be a responsible and caring parent.

Third, the Drug Court Programs allow the individual to interact with the community to a limited degree. The programs are structured with specific benchmarks and penalties. Within those parameters, the service providers can teach healthier lifestyles, make an assessment for education and job training, develop contacts with additional service providers (anger management, domestic violence, medical care, etc), and provide case management services to establish re-entry into the "real" world.

Fourth, and maybe the most important reason, is that the program provides a positive support group. The court officers want you to succeed with your recovery. The program counselors and support staff want you to succeed with your recovery. Your peer group wants you to succeed with your recovery. Your sponsor wants you to succeed with your recovery.

You are all probably aware of the costs for incarceration versus treatment. You may even know someone who has been incarcerated and/or gone through a treatment program. In a tight financial situation, you must weigh not only the costs of a program, but also its benefits. Please do not be shortsighted when it comes to an individual's future. Positive treatment plans, positive support, positive reunification of families, controlled re-integration back into the community, and lower cost are just a few of the benefits for continuing to fund the Drug Court Programs.

Thank you for your time and consideration.

Sincerely,



Marlen Sommers
CFO

Representative Donna Mercado Kim, Chair
Representative Shan S. Tsutsui, Vice Chair
Committee on Ways and Means

David McAngus, Participant
1st Judicial Circuit, Family Drug Court
345 Queen St. # 302, Honolulu, HI 96813

MARCH 17, 2010, 9:30am, Wednesday

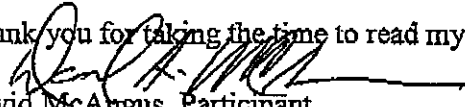
Support for HB 2000, HD2, Relating to Judiciary's Budget

I am a participant in the First Judicial Circuit's Family Drug Court Program. This is a specialty court program that focuses on the safety of children while helping parents, like me, learn the skills they need to live as sober and productive members of society.

I strongly support H.B. 2000, H.D. 2 relating to Judiciary; Supplemental Appropriations, which would provide the Judiciary with supplemental appropriations and authorizations for its operations and capital improvements for fiscal biennium 2009-2011 by amending the Judiciary Appropriations Act of 2009. The passing of H.B. 2000, H.D. 2 will allow the Family Drug Court to continue to service Hawaii's Families to the best of its ability.

As a current participant, the Family Drug Court program has helped me do things I never thought I could do. I have learned the skills I need to remain clean and sober for the rest of my life. The program has opened my eyes to the needs of my children and has taught me that I must first love myself and be clean and sober before I can truly love, nurture, and parent my children. Without the support and instruction given to me by the Family Drug Court, I would not have the hope I have in my life today, and I am currently on the path to being reunified with my children. When my case closes and Child Welfare Services is no longer a part of my life, I am confident that I will continue to be a sober, productive member of society who will love and care for my children better than any one else can. I will continue to battle this disease of addiction with the skills the Family Drug Court has armed me with and my children will never return to the foster care system.

Thank you for taking the time to read my testimony,


David McAngus, Participant
First Judicial Circuit, Family Drug Court

Date: March 16, 2010

To: Committee on Judiciary and Government Operations

Fr: Lynn Cabato

Re: HB 2000, HD2 Relating to the Judiciary

Hearing Date: Wednesday, March 17, 2010; 9:30 a.m.

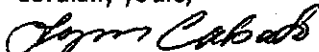
Chair Senator Brian Taniguchi, Vice Chair Senator Dwight Takamine and Members of the Committee on Judiciary and Government Operations:

I am writing in support of HB 2000, HD2 which appropriates funds to the Judiciary for FY 2010-2011. HCAP Head Start is the largest early childhood education program in Hawaii, serving 1,650 low income children and their families on Oahu. As a provider of comprehensive services in education, health, nutrition, social services, and parent involvement, priority are given to our most vulnerable children including those who are homeless or under protective care through the State's Child Welfare Services department. We provide linkages for families in need of services.

Appropriations to the Judiciary also provide funds critically needed for programs that provide support services to the judicial and legal system. One such program is the Hawaii Children's Justice Center. This agency has provided valuable and specialized services for our children and families in the area of sexual abuse. The agency provides a place with specialists in the field to ensure the process of investigation, therapy and counseling, or healing is one that is responsive, respectful and provides for the personal and emotional safety for the children and families. The Children's Justice Center is also about providing resources and T/TA for community programs such as ours in dealing with situations that can be very stressful and traumatic. As partners, they help our program improve in helping the children feel empowered and educate the parents so they can educate their children.

It is a difficult challenge that the State Legislature has been given to find solutions to our state's economic situation. In that process, some services to children and families have already been affected. Please consider in favor of continuing the appropriations to the Judiciary that will also preserve critical programs that advocate for children at a time of their greatest need.

Cordially yours,


Lynn Cabato

Charles H. Hurd
1180 Lunaai Street
Kailua, Hawaii 96734

March 15, 2010

The Honorable Brian Taniguchi
Hawaii State Capitol
Honolulu, Hawaii 96813

Dear Senator Taniguchi and Members of the Committee:

Re. HB 2000; March 17, 2010, 9:30 a.m. Hearing; Written Testimony Only

I am writing in support of the Judiciary's budget bill, HB 2000, and the Center for Alternative Dispute Resolution. I ask that you preserve the Judiciary's budget again for the upcoming fiscal year.

As a mediator with the Mediation Center of the Pacific (MCP) on Oahu, I have been volunteering for the last nine years, helping the MCP provide mediation services to people in disputes, when they cannot afford to hire a commercial mediator. MCP receives POS monies through the Center for Alternative Dispute Resolution.

When the Legislature cut the Judiciary budget last year, the MCP had to cut back on staffing to save expenses. We are now closed on Fridays. That means that we have about 20% fewer hours of office open hours and staffing, for mediating disputes which have been referred to us by the Courts.

Fewer mediated cases especially impacts the Court parties, who cannot afford to hire a commercial mediator. (Fees range from \$200/hour up to \$400/hour.) Our fees are nominal, based on a financial needs test. Many parties only pay the basic \$50 per 3-hour session.

If you cut back the Judiciary budget again this coming year, we won't be able to handle many of the cases like I've mediated successfully this last year, through the MCP. One such case involved cousins, on Oahu and the big island, who went into business together, with spousal support, in order to try and make ends meet, after one cousin lost his job. Their dispute was referred to the MCP by a Circuit Court judge, who knows the value of mediation. MCP always uses two co-mediators. In this case, my co-mediator and I were able to make some progress, meeting with the parties, for a 3-hour session. Unfortunately, that time was not enough to resolve the dispute; we were coming close, but we needed more time. So, the parties and counsel all decided to ask that we keep trying, by phone and e-mail. That became logistically difficult for two co-mediators; so, by agreement, I kept the process going alone, by the alternate means of phone and e-mail. After another 5 hours of mediation, the settlement was concluded, with an agreement that

the lawyers then “put on the record” before the Circuit Court judge, at a short hearing. The judge and her staff were saved the considerable time which they would have expended to resolve the dispute by a trial. I recently learned that the cousins are now speaking to each other again, in a friendly way.

I am also a volunteer mediator with the Hawaii Appellate Mediation Program, administered by the Center for Alternative Dispute Resolution. Since being appointed by Chief Justice Ronald Moon to the panel, I have mediated five cases. I have had a very positive experience working with the Center for Alternative Dispute Resolution, which is very efficiently run.

There are many more stories I could tell you about the need for the Judiciary budget to keep funding mediation by community mediation centers, through the Mediation Centers of Hawaii and its constituent groups like the MCP. Let me just end now, though, with this plea: Please keep the Judiciary’s budget intact this coming fiscal year.

Sincerely,

A handwritten signature in black ink, reading "Charles H. Hurd". The signature is written in a cursive, flowing style with a large initial "C".

Charles H. Hurd

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 9:10 AM
To: JGO Testimony
Cc: skillman@hawaii.edu
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Teri Skillman
Organization: Individual
Address: 3176 East Manoa Rd. Honolulu, HI 96822
Phone: 808-956-8688
E-mail: skillman@hawaii.edu
Submitted on: 3/16/2010

Comments:

Dear Senator Brian T. Taniguchi:

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget at its current level, which includes funding for the Judiciary History Center.

I attended the free school tour at the Judiciary History Center in 2008. I was very impressed with the program and how students were encouraged to consider issues and take a stand through a mock court trial. The exhibits focusing on Hawaii's judicial history and the documentary films for the students to view are excellent. Loss of the Judiciary History will adversely affect Hawaii's students.

Thank you very much for considering my testimony in support of HB2000.

Sincerely,
Teri L. Skillman

March 16, 2010

LEGISLATOR

Hawaii State Capitol
415 S. Beretania Street, Rm. # 219
Honolulu, HI 96813

To: Senator Taniguchi
From: Rachel Pedro
Subject: H.B. 2000, Relating to the Judiciary

The purpose of this bill is to maintain sufficient funding for the programs and services within the judiciary. I am writing to express my support of the Children's Justice Center (CJC) and the multi-disciplinary approach to responding to child abuse, particularly child sexual abuse. It is very important to our community that the Judiciary Administration Budget within the Judiciary's Supplemental Appropriations Act of 2010 (H.B. 2000) which includes the Children's Justice Centers be maintained. The Children's Justice Center was created to coordinate, maintain, monitor, and track the progress of the multi-disciplinary team (MDT) and the civil and criminal court cases. The CJC safeguards the integrity of child abuse investigations by providing a child friendly location as well as through the development of, and training on, forensic interview guidelines. This ensures that interviews are conducted in a neutral and fact-finding manner.

I am a graduate student completing a Masters of social work degree at the University of Hawaii Manoa Distance Education Program. I am currently in my foundation year of practicum at the CJC. I have witnessed and participated in forensic interviewing, specific trainings related to children, case conferences, case review and tracking, and interagency coordination. These services that are provided to the multi-disciplinary team within the community are essential. Prior to the CJC's existence there was no coordination among agencies, which made things difficult for the children and families involved. Recently, there has been a cut in services provided to children and families in an effort to decrease our State's deficit. Children and families are already suffering from this as their needs are not being met by agencies that are supposed to be helping them. Unfortunately those workers are over-worked, under-paid, and stressed due to their increased case loads that came from workers who were laid off. Our community cannot have any more cuts in these essential services. The CJC is the key player in maintaining our current multi-disciplinary team approach to child abuse, and assuring that the needs of children are being met.

Thank you for attention and time in reviewing this testimony.

Sincerely,

Rachel M. N. Pedro

From: SueGrose@aol.com
Sent: Tuesday, March 16, 2010 8:42 AM
To: JGO Testimony
Subject: State Judiciary Funding

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

Re: Measure HB2000, HD2 hearing Wednesday, March 17, 2010, 9:30 a.m.

Aloha Senators Taniguchi and Takamine,

I would like to add my voice to those asking you not to make any further cuts to the funding for the state judiciary. Chief Justice Moon makes the point well in his recent State of the Judiciary speech:

The Judiciary is already at the stage where lack of resources is affecting public safety and the administration of justice. Program budget cuts, court closures due to furloughs, prior staff reductions, and hiring freezes have already affected employee workloads and increased the amount of time it takes to process cases and do the work that is necessary to the administration of justice.

The cruel irony in these difficult economic times is that the demands on our courts intensify, and, unfortunately, no matter how much we are called upon to sacrifice in terms of court programs, salaries, benefits, and the like, nothing compares to the devastating impact that the current situation has and will continue to have on our citizen's access to justice.

Real people are effected by these cuts in so many painful ways. As a volunteer mediator, I see the number of lives that currently are benefited by Judiciary funding effectively leveraged by volunteer time and I deeply regret the number of people who already cannot be helped because of limited resources.

Because some Judiciary expenses cannot be reduced, the Judiciary's POS contracts, like the Mediation Centers of Hawaii contract, are disproportionately effected by reductions in funding for the Judiciary. As Justice Moon said about the POS contracts:

These contracts involve the purchase of assessment and/or treatment services for substance abuse, child sex abuse, and mental health, as well as provide emergency shelter services, juvenile client and family services, anger management and victim impact classes, and more. The significant reduction in the availability of these types of services is already impacting our specialty courts and treatment programs. We are concerned that any further reductions of services, or the elimination of these services altogether, will have serious consequences for our citizens in the form of increased domestic violence and other crimes, higher recidivism rates, prison and/or juvenile facility overcrowding, as well as increased concerns regarding public safety and delayed access to justice.

Over the past three years, the number of cases referred to West Hawaii Mediation Center by the courts has doubled and our funding has been cut by 20%. By maintaining, or even increasing, our capacity we could provide significant cost savings to the court

system. Cutting the programs that save the courts money makes no sense and I ask that the judiciary not be one of the budget cuts.

Mahalo nui loa

Sue Grose

HOPE: Overview of Evaluation Findings

Angela Hawken, Ph.D.
Professor of Economics and Policy Analysis
School of Public Policy
Pepperdine University
Malibu, CA

Testimony prepared for the Hawaii State Legislature

March 16, 2010

Non-violent drug offenders are rarely given straight jail time; they are typically placed under community supervision. This puts probation and parole departments on the front lines of the struggle to reduce drug dependence, but caseloads are growing and supervision and drug treatment resource are scarce. In this testimony, I describe findings of Hawaii's experiment with a structured testing-and-sanctions model (*Hawaii's Opportunity Probation with Enforcement*, known as HOPE) that has dramatically improved probationer compliance without draining department resources.

The Motivation for Programs such as HOPE

Over the last 20 years, there has been a large increase in the number of inmates housed in American prisons, and many states have been threatened with action by the Federal Government because of the extent of prison overcrowding. Federal pressure plus the high costs of incarcerating these inmates has forced many policymakers to review alternatives to incarceration. The challenge has been to keep costs low, without an accompanying decline in public safety.

Probation and parole represent an alternative to incarceration. But, across the country, the rates of successful completion of probation and parole have remained historically stable in spite of the many local, State, and Federal initiatives undertaken to improve offender outcomes.

Referrals from the criminal justice system (CJS) account for 36% of substance abuse treatment admissions nationwide (SAMHSA, 2006). That proportion is growing with the expansion of drug diversion programs and drug courts. However, diversion programs and probation have a poor record of securing continuation in treatment; both the national TASC program and California's Proposition 36, the largest single diversion program, have treatment-completion rates of approximately 25%. Compliance under Proposition 36 is so poor that support among treatment providers for a change in the program to allow the use of short jail stays to motivate treatment compliance has grown to 80.1% (Hawken and Poe, 2008).¹

¹ Data are from the 2007 UCLA Provider Survey. The providers (n=87) constitute a representative sample of California treatment providers who serve Proposition 36 clients.

Most jurisdictions have a poor track record for supervising drug-involved probationers. Rather than consistently sanctioning probation violations, such as failure to adhere to conditions on illegal drug use and treatment attendance, the system tends to allow repeated violations to go unpunished and when punishments are meted out, they tend to be lengthy (and costly) jail or prison terms. Inconsistent punishment and long delays between the violation and the delivery of the sanction add to the inability to effectively change probationer behavior and sends a message to probationers that probation compliance is not a priority.

Most systems make poor use of available treatment resources. Previous studies have shown that CJS-referred clients have outcomes comparable to those of self-referred clients, controlling for addiction severity at treatment entry, but rates of treatment entry among CJS-referrals are often low as the treatment mandate is not enforced. CJS referrals also include many offenders without diagnosable substance abuse disorders, thus wasting scarce treatment capacity and displacing voluntary clients in greater need of care.

From a strategic perspective, many experts believe that a probation system that consistently enforces conditions of probation, but with milder sentences, would be more effective in inducing behavioral changes than the current much more haphazard system. Hawaii has been the innovating state in this regard, and its experience with HOPE provided an opportunity to study the effects of a swift and certain sanctioning program.

The Theoretical Underpinnings of HOPE

HOPE consistently and rapidly delivers a modest sanction in response to *every* violation of a condition of probation. Drug testing with swift and certain sanctions has a strong theoretical basis for promoting behavioral change. Testing and sanctions programs that follow these basic tenets (clearly articulated sanctions applied in a manner that is certain, swift, consistent, and parsimonious) are research based:

A clearly defined behavioral contract

Probationers should be informed about the conditions for compliance with the terms of their probation and consequences for each violation should be carefully explained (Taxman, 1999). A clearly defined behavioral contract has been shown to enhance perceptions of the certainty of punishment which improves compliance (Grasmack & Bryjak, 1980; Paternoster, 1989; Nichols and Ross, 1990; Taxman, 1999).

Consistency

Agents in the criminal justice system and treatment providers need to enforce the stated rules (Harrell and Smith, 1996). The consistent application of a behavioral contract has been shown to improve compliance (Paternoster et al., 1997) and enhance perceptions of fairness (Taxman, 1999).

Swift delivery

Sanctions should be delivered in a timely fashion (Taxman, 1999). A swift response to infractions improves the perception that the sanction is fair (Rhine, 1993). The immediacy, or celerity, of a sanction is also vital for shaping behavior (Farabee, 2005).

Parsimony

Parsimonious use of punishment (i.e., the least amount of punishment necessary to bring about the desired behavior change) enhances the legitimacy of the sanction package and reduces the potential negative impacts of tougher sentences, such as long jail or prison stays (Tonry, 1996).

Results from the evaluation of HOPE

I was the principal investigator of two evaluations of HOPE, including a randomized controlled trial. These evaluations were conducted with support from the National Institute of Justice and the Smith Richardson Foundation and evaluation results were released in December, 2009. The formal evaluation of HOPE in the Integrated Community Sanctions probation unit began in June, 2007. This evaluation involved the retroactive analysis of administrative records and included a comparison group of similar probationers in the same unit. Two common criticisms of this study were: 1. the study did not include an experimental design and 2. the probation officers in the Integrated Community Sanctions unit managed caseloads that were smaller (about 80:1) than caseloads typically supervised in other jurisdictions. To address the caseload concern, and to improve the rigor of the HOPE evaluation methodology, we launched a second study (a true randomized controlled trial) in the Adult Client Services unit where caseloads (about 170:1) could yield findings more-relevant to other jurisdictions. The randomized controlled trial was launched in October, 2007 and entailed a one year study of probationers assigned to one of two conditions: 1) HOPE or 2) Probation-as-usual. Evaluation findings show that HOPE probationers in both units have reduced drug use, no-shows for probation appointments, new arrests, probation revocations, and days incarcerated, compared with probationers assigned to probation-as-usual.

In the Integrated Community Sanctions Unit, the rate of positive drug testing by fell 93 percent for HOPE probationers during the first six months (from 53 percent to 4 percent), compared with 14 percent for comparison probationers (from 22 percent to 19 percent). Only 40 percent of HOPE probationers had any post-warning violation within the first year; of those who had one violation, only half had a second violation; of those with two violations, only half (10 percent of the total) a third or subsequent violation. Thus HOPE identified a small minority of probationers who did not desist from drug use under sanctions pressure alone. I refer to this as the “behavioral triage” function of HOPE—the program identifies those most in need of treatment by documenting their actual conduct rather than relying on assessment tools (see Hawken, 2010). Similarly, we found large significant reductions in no-shows for probation appointments for probationers assigned to HOPE, but no meaningful improvement for the offenders in the comparison group.

From a cost perspective, the most meaningful finding is the large differences in revocation rates between HOPE and comparison offenders. Probationers assigned to HOPE were revoked only one-third as often as offenders assigned to the comparison group. We found large significant differences in the average number of prison-days sentenced (an average of 303 days for comparison probationers compared with 112 days for HOPE probationers). This translates into large savings on incarceration costs.

The randomized controlled trial of HOPE was implemented in the Adult Client Services unit and used an intent-to-treat design, i.e., all offenders assigned to the HOPE condition were included in the HOPE group, even if they failed to appear for their warning hearing to formally

enter the program. This distinction had important implications for our study, as 30 percent of the offenders who had their probation revoked and were sentenced to an open term under HOPE had never appeared for a warning hearing. The results of the RCT are summarized in Table 1. There were large reductions in missed appointments, positive drug tests, recidivism, revocation and incarceration days.

Table 1. Summary of RCT Findings

Outcome	HOPE	Control
No-shows for probation appointments (average of appointments per probationer)*	9%	23%
Positive urine tests (average of tests per probationer)**	13%	46%
New arrest rate (probationers rearrested)	21%	47%
Revocation rate (probationers revoked)	7%***	15%
Incarceration (days sentenced)	138 days	267 days

*The no-show results are calculated as follows: The percentage of missed appointments is calculated for each offender. The average of these percentages is reported in Table A2. This approach gives equal weight to each offender, irrespective of how many appointments were scheduled for that probationer. An alternative measure calculates the total number of missed appointments divided by the total number of appointments. Using this approach, the frequency of missed appointments was 5 percent for HOPE probationers and 18 percent for control probationers.

**Positive urinalyses results are calculated as follows: The percentage of positive urinalyses tests is calculated for each offender. The average of these percentages is reported in Table A2. This approach gives equal weight to each offender, irrespective of how many tests that probationer is subjected to. An alternative measure calculates the total number of positive urinalyses divided by the total number of tests. Using this approach the frequency of positive urinalyses was 9 percent for HOPE probationers and 41 percent for control probationers.

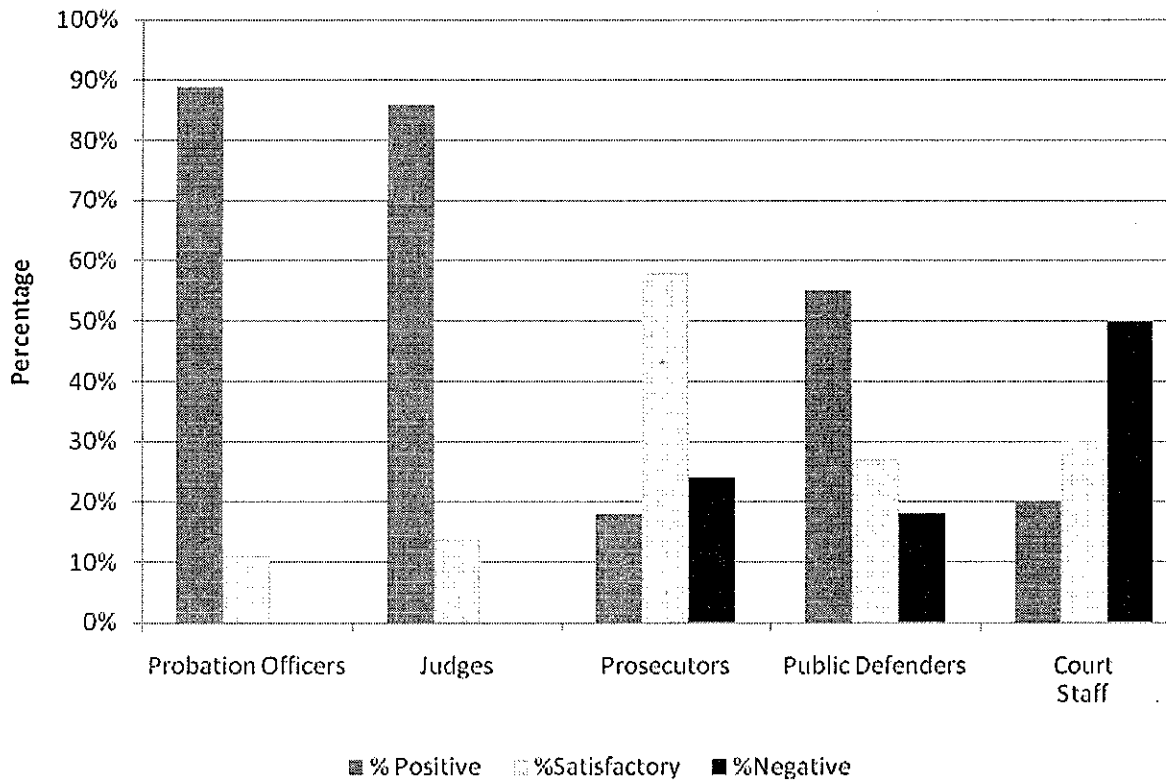
***Thirty percent of the HOPE probationers who had their probation revoked had never appeared for their HOPE warning hearings. The revocation rate among those who appeared for a warning hearing was 5 percent.

An analysis of disaggregated data showed outcomes were robust across judges and across probation officers (similar outcomes regardless of their perceptions of the program). In our Process Evaluation of HOPE, we found that judges consistently sanctioned probationers in response to probation violations, but that the severity of the sanction was uneven. As offender outcomes were close to equivalent across judges, judges who issued longer sentences were unnecessarily adding to incarceration costs.

Our evaluation included surveys of key staff involved with implementing HOPE, and the HOPE probationers themselves. Surveys of key criminal justice agents found positive general perceptions of HOPE, with the highest levels of satisfaction reported by judges and probation officers (see Figure 1). Prosecutors were the most critical of HOPE, with close to 20% reporting negative perceptions of the program. “Net-widening” was the primary concern raised by prosecutors; that is, under HOPE some more serious offenders who would otherwise be incarcerated are allowed to remain in the community. These concerns could be mitigated by establishing eligibility guidelines that would exclude certain probationers from entry into HOPE.

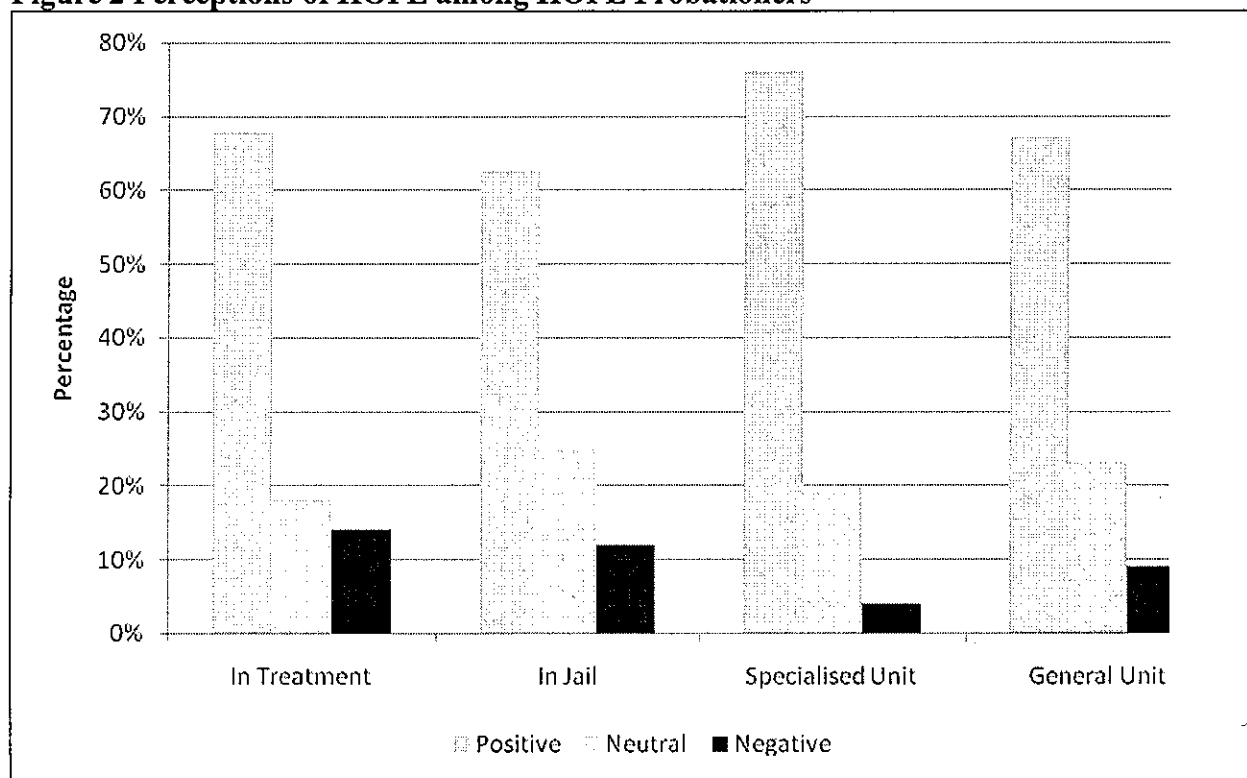
Four groups of probationers were surveyed (see Figure 2): in jail; in treatment; in community under supervision of the Specialized Unit; and in community under supervision of the General Probation Unit. Across supervision conditions, probationers reported positive general perceptions of HOPE.

Figure 1 Perceptions of HOPE among Criminal Justice Agents



Note: Data are from the 2008 HOPE Evaluation Stakeholder Surveys. Probation Officers (n=38); Judges (n= 7); Prosecutors (n= 12); Public Defenders (n=11); Court Staff (n=11).

Figure 2 Perceptions of HOPE among HOPE Probationers



Note: Data are from the 2009 HOPE Probationer Surveys. Four groups of probationers were surveyed. A total of n=211 probationers were surveyed. In Treatment (n=28); In Jail (n=16); In community supervised by Specialized Probation Unit (n=50); In community supervised by General Probation Unit (n=117)

Cost

The feasibility of HOPE as an alternative to existing methods of community supervision, will depend in part on whether it adds to, or rather subtracts from, the total costs of operating the criminal justice and treatment system. We are not yet able to assign a final value to the cost savings under HOPE, but can speak to the direction of the finding. Savings from prison days avoided dominate the HOPE savings and more than offset the increase in supervision and treatment expenditures associated with the program. For Adult Client Services (high risk, but lower risk than offenders in ICS) we estimated a savings in incarceration costs of \$4,140 per offender assigned to HOPE. For Integrated Community Sanctions (the higher-risk probationers) we estimated a savings in incarceration costs of \$6,157 per offender assigned to HOPE. These estimates are based on the conservative assumption that offenders sent to prison serve 50% of their term.

HOPE for All?

Our findings show that not all probationers succeed on HOPE. We found that a minority of probationers (28 %) did not respond to the credible threat of sanctions and accumulated three or more violations (of any sort). These probationers have identified themselves as either a. not amenable to supervision in the community or b. better suited to closer judicial monitoring such as that provided by a drug court. As such, HOPE should be part of a continuum of supervision options available.

Since most heavy illicit drug users move in and out of criminal-justice supervision, success in reducing their drug use via HOPE-style probation supervision could drastically shrink both the drug markets and the fiscal and human costs of drug law enforcement. There is no doubt that what has been achieved with HOPE in Hawaii is exceptional. But it remains to be seen whether the HOPE effects will generalize to other jurisdictions. Programs such as HOPE require that judges, probation officers, police, corrections officials, and treatment providers cooperate towards a common goal. An important feature of the Hawaii experience was the strong leadership that motivated and coordinated the implementation of the program. If such leadership is lacking, the expected potential of a HOPE program may not be realized. A number of states are now considering implementing HOPE models and much will be learned as the number of jurisdictions and evaluations increase. Our evaluation in Hawaii leaves us cautiously optimistic. If the Hawaii findings hold in other jurisdictions, HOPE-like principles might make “community corrections” once again a credible alternative to incarceration, reducing the need to continue the trend of rising incarceration.

References

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March 15, 2010

Dear Senator Taniguchi:

I am writing in support of HB2000 HD2.

I urge the State to preserve the Judiciary's budget, which includes funding for the Judiciary History Center.

The Judiciary History Center is an important and vital asset for the people, students, and tourists in the State of Hawai'i—the reach of this center extends far beyond Downtown-Honolulu. It serves to educate its visitors by telling the unique history of the Hawaiian law system together with the history of the United States Constitution.

Also, the staff and volunteers work tirelessly to also educate students through its outreach and professional development workshops statewide. Educating everyone about the United States Constitution is the only way to protect the Constitution and to keep it vital to our state and country.

Thank you very much for considering my testimony in support of HB2000 HD2.

Sincerely,
Stacy Hoshino
415-E Haleloa Place
Honolulu, HI 96821

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 7:29 AM
To: JGO Testimony
Cc: carolhas@hawaii.edu
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Carol Hasegawa
Organization: Individual
Address:
Phone: 845-9196
E-mail: carolhas@hawaii.edu
Submitted on: 3/16/2010

Comments:

Dear Senator Taniguchi,

I support HB2000 HD2 and the important work of the Judiciary History Center.

I am a member and have attended many events, especially talks and presentations, that would not otherwise have found an accessible and comparable venue.

The JHC has already sustained substantial budget cuts. They have provided unique programming and need to continue their work which enlivens Hawaiian history in the schools.

Carol Hasegawa

From: Sherman Warner [warners@mac.com]
Sent: Tuesday, March 16, 2010 6:41 AM
To: JGO Testimony
Subject: Testimony: HB 2000, HD2

Importance: High

Testimony re: HB2000, HD2
Hearing date: Wednesday, March 17, 2010 at 9:30 a.m.

To:
Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

I oppose any cuts in the Judiciary budget because I believe that further cuts, in addition to compromising our Constitutional rights and access to justice, will have a negative impact on public safety.

As a mediator and president of the board of the West Hawaii Mediation Center, I have seen a dramatic rise in our mediation center's caseload as the economy has fallen into recession. Over the past three years, the number of cases referred to our center by the courts has doubled, partly due to an increase in domestic cases. Other increases in consumer/merchant and landlord/tenant cases reflect the strains imposed by a collapsing economy. Three years ago, Judiciary funding comprised roughly 45% of our budget, and court referred cases were roughly 45% of our caseload. Last year, Judiciary funding comprised 33% of our budget, and court referred cases were 72% of our caseload.

Last year, POS contracts were hit with cuts which were several times larger than the overall cut absorbed by the Judiciary. At West Hawaii Mediation Center, our POS contract was cut by 22%, and I know that many other POS providers were hit much harder. We are staffed by two less-than-full-time employees and forty five volunteers. Our financial situation is critical. Our survival is threatened.

Last year, the courts referred 226 cases to our center, and we received \$38,000 under our POS contract. That comes to just \$170 per court-referred case. We save the court system money. This does not even include the cases where the parties come directly to our mediation center instead of going to court first; if we did not exist, many of those cases would end up in court. It makes no sense in a budget crisis to cut the services that save money.

In his recent State of the Judiciary speech, Chief Justice Moon said, "any further reductions of [POS] services, or the elimination of these services altogether, will have serious consequences for our citizens in the form of increased domestic violence and other crimes, higher recidivism rates, prison and/or juvenile facility overcrowding, as well as increased concerns regarding public safety and delayed access to justice."

The Judiciary budget is relatively small, just 2.6% of the overall State budget. It should be regarded as a critical public safety service and should not be cut.

Mahalo,
Sherm Warner

TESTIMONY ORIGINALLY TITLED* TO Representative Marcus Oshiro—AND NOW BEING SUBMITTED, ON “CROSS-OVER”—TO CHAIR SENATOR BRIAN TANIGUCHI AND SENATORS/MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS for the Committee Hearing on H.B. 2000, H.D. 2 *(My apologies—as a 21st century individual “trapped back in the 20th century, like the ‘20th Century Fox’ logo,” I could not figure out how to change the file name)

RE: SUPPORT OF HOUSE BILL 2000, HOUSE DRAFT 2 INCLUDING FUNDING FOR THE JUDICIARY HISTORY CENTER

From: Hawaii Pacific University (HPU) Professor of Business Law Melvin (Mel) Masuda, J.D., Yale Law School, Master’s in Public Administration, Harvard University—on behalf of the 1,500 HPU Students (and now Alumni)—FROM HERE IN HAWAII AND ALL OVER THE WORLD—who have learned about Hawaii’s unique legal system and unique multi-ethnic culture of “Aloha” through visiting, on field trips each semester, the Judiciary History Center located in the State Supreme Court building, also known as Ali’iolani Hale

DEAR HONORABLE CHAIR TANIGUCHI (Brian, from our days at U.H. Law School, you as a student and me as a then-young professor) AND HONORABLE MEMBERS OF THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS:

“Long long ago in a galaxy far far away”—in the 1960s, when most of you were not yet born—I was one of two *Honolulu Advertiser* reporters covering the State Legislature—at which time I had the pleasure and honor of learning first-hand of the legislative process, including the phenomenon of “cross-over.” Now, many years later, having left the *Advertiser* to go on to law school, and then to become a Professor of Business Law at Hawaii Pacific University, I am writing to you in support of House Bill 2000, House Draft 2, which includes funding for the Judiciary History Center, for the following reasons:

For the past 15 years, at the rate of 100 students a year—a total of

1,500 students (most of whom are now Alumni, here in Hawaii and on the U.S. Mainland and in Asia and Europe)—I have had the pleasure and the honor of taking my HPU Business Law students on field trips each semester to the Judiciary History Center, located on the ground floor of the State Supreme Court building, very close to your legislative offices in the State Capitol, just a block away, makai of the King Kamehameha statue. Because the Judiciary History Center is located so close to you, if and when you get a chance, you should, please, stop by to see what the Center is and “is all about.”

You will be pleasantly surprised to see for yourselves that, on the Waikiki half of the ground floor of the building—also known as Ali’iolani Hale—Center director Matt Mattice has created a first-rate center recognized nationally and even internationally for its exhibits depicting and show-casing Hawaii’s unique-in-the-world legal system—from pre-contact (pre-Captain Cook) times of the Native Hawaiians to the present—and Hawaii’s unique culture of Aloha.

As you may know, 40 percent of HPU’s students come from right here in Hawaii (they often express surprise at learning facts about Hawaii’s legal system and cultures that they did not know about until their field trip to the Judiciary History Center); 35 percent from the U.S. mainland; and 25 percent internationally, from Asia and Europe. Over the past 15 years, a total of 1,500 of these college students have learned about Hawaii’s unique legal system and culture through listening to

the expert lectures of Center director Matt Mattice and his staff of one education specialist and through seeing—up close and personal—the excellent exhibits at the Center, including a diorama model of “Honolulu In 1850.” Most of these college students are now Alumni of HPU, either here in Hawaii or throughout the U.S. mainland and the world. I have received many letters and e-mails from these grateful former students—now Alumni—and present-day students saying that their field trip to the Judiciary History Center is one outstanding event that they remember or will remember about their time at HPU!

As you may also know, my HPU college students (and Alumni) are not the only ones who benefit from the very existence of the Judiciary History Center on the ground floor of Ali’iolani Hale: Testimony is being submitted by many other teachers from public and private schools attesting to the unique educational value and educational experience provided to their hundreds and even thousands of students by their own field trips over the years to the Judiciary History Center as well as the research resources made available by the Center to those students—and to my HPU college students over the years—to do Term Papers.

For the reasons stated above, I urge, please, that you, Chair Taniguchi and The Honorable Members of the Senate Committee on Judiciary and Government Committee on Judiciary and Government Operations support H.B. 2000, H.D. 2, keeping the funding of the State Judiciary Branch at the current level so that the

Judiciary History Center—an invaluable asset to college students from Hawaii, the U.S. mainland, Asia, and Europe and to elementary, middle, and high school students here in Hawaii itself—can continue its unique mission. Mahalo nui loa!

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 11:02 PM
To: JGO Testimony
Cc: ito7221@pacificu.edu
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Trelaine Ito
Organization: Individual
Address: 95-108 Lalei Pl Mililani, HI
Phone: 8082224534
E-mail: ito7221@pacificu.edu
Submitted on: 3/15/2010

Comments:

Dear Senator Taniguchi,

I am writing as a concerned student who has gained a lot of knowledge from the Judiciary History Center. I support House Bill 2000 because I have experienced firsthand the benefits of engaging in civic education. I believe that it is essential for students to both reap the benefits of democracy and participate in the process that governs our lives. Understanding is a key step in appreciating the complexities of government, and I personally have acquired such an understanding with the Judicial History Center's mock trial, National History Day, and We the People events. To cut funding would severely cripple the next generation of voters and leaders from Hawaii, and that is not the correct step nor is it the correct message to send to our future generation.

Thank you for your consideration of my testimony, Trelaine Ito

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 10:06 PM
To: JGO Testimony
Cc: cashmans001@hawaii.rr.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: sandra cashman
Organization: Individual
Address: 59-575 akanoho place haleiwa, hi 96712
Phone: 808 753-0492
E-mail: cashmans001@hawaii.rr.com
Submitted on: 3/15/2010

Comments:

Dear Senator Taniguchi:

I'm writing in support of HB2000 HD2. I urge the state to preserve the Judiciary' budget, which includes funding for the Judiciary History Center.

As the state coordinator for the We the People, the Citizen and the Constitution I work closely with Matt Mattice at the JHC on civic education programs that benefit the teachers and students of Hawaii. The JHC's support is vital to ensure continued excellence in educating the future citizens of our state and country.

Mahalo for considering my testimony in support of HB2000 HD2.

Sandra Cashman
State Coordinator
We the People, the Citizen and the Constitution

March 15, 2010

Dear Honorable Chair Brian Taniguchi,

I am writing in strong support of HB2000 urging the State to preserve the Judiciary's budget at its current level, which includes funding for the Judiciary History Center.

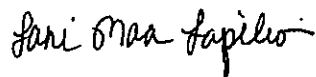
The Center was established by the Legislature twenty years ago as a unique educational institution to serve Hawaii's school children, residents and visitors alike. As the first executive director of the Center, I am proud to say that this institution has made a tremendous difference in the lives of thousands of school children, teachers, judges and lawyers who have experienced the Centers exhibits, mock trial experiential opportunities, teacher workshops and special programs resulting in a greater understanding and appreciation for the most misunderstood branch of government.

As Judiciary Chair, I know that you are facing some very extreme budgetary demands, however please take into account that the investment to create the Judiciary History Center has already been made. As the world changes at an alarming pace, this is the only place where we can go to learn about the important history and role of the Hawaiian courts. I ka wa ma mua, I ka wa ma hope. Our past holds the key to our future!

Please preserve funding for the Judiciary and for this exceptional and unique first rate educational institution that exists nowhere else in the world.

Thank you very much for considering my testimony in support of HB2000.

Sincerely,

A handwritten signature in cursive script that reads "Lani Ma'a Lapilio".

Lani Ma'a Lapilio

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 9:49 PM
To: JGO Testimony
Cc: dkeikoa@Hawaii.rr.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Diane Aoli
Organization: Individual
Address: 81949 kahapili loop Kealahou, hi
Phone: 8959040
E-mail: dkeikoa@Hawaii.rr.com
Submitted on: 3/15/2010

Comments:

I am writing in support of HB 2000 HD2. I urge the State to preserve the Judiciary's budget, which includes funding for the Judiciary History Center. We can not afford to lose the services of this valuable educational resource. We must do what can to cultivate informed citizens who know their role as participants in a democracy. The Judiciary History Center has served that re educating students, teachers, and everyday people. Please preserve it's funding.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 9:19 PM
To: JGO Testimony
Cc: shauna_tanaka@notes.k12.hi.us
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Shauna Tanaka
Organization: Individual
Address: 186 Kuukama Street Kailua, HI
Phone: 341-0909
E-mail: shauna_tanaka@notes.k12.hi.us
Submitted on: 3/15/2010

Comments:

Dear Senator Taniguchi,

When I first became a teacher in 2000, I was certified, had completed all my coursework and had earned a Masters Degree in Education, but trying to figure out what to actually teach and how to do it was a whole other story. I stumbled upon an opportunity to participate in a workshop offered by the Judiciary History Center and found a gold mine. The workshops hosted by JHC have enabled me to not only be a better teacher but to also make classroom experiences with my students more enriching and more authentic. Once you complete your education, it is completely up to the individual to continue to pursue opportunities for refreshers and further growth. I have participated in many different workshops, and many of them have not met very high expectations. The JHC always sponsors rigorous, thought provoking instruction that continuously re-invigorates me and gives me new content to use in the classroom.

I have also had the great fortune on being able to rely on the JHC to provide excellent hands-on learning experiences for my students. Every year that I have taught Summer School I have taken my students on a variety of fieldtrips. One of the biggest hurdles is always financial - except with JHC. They offer a fantastic educational experience through their displays, museum, theater and courtroom re-enactments- for FREE. The students are enriched through the JHC's programs and it would be an extreme loss if their program was no longer available to those seeking education- whether it be students or teachers.

I urge you to continue supporting the Judiciary History Center through HB2000 HD2. It truly is one of the most significant sources of historical information, specifically regarding Hawaii's history and has enabled me to be a better teacher and offer better learning experiences to my students.

Sincerely,
Shauna Tanaka
Moanalua High School
Social Studies Teacher

From: Michael Shanin [gregnin@hawaii.rr.com]
Sent: Monday, March 15, 2010 8:44 PM
To: JGO Testimony
Cc: West Hawii Mediation Cet
Subject: HB 2000, HD2

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

RE: HB 2000, HD2, Hearing, Wednesday, March 17, 2010 at 9:30 a.m.

This is testimony requesting Judiciary funding at the same level as 2009. Increasing caseload and decreasing staff cannot continue.

I am a volunteer for West Hawaii Mediation Center which is staffed by two less than full time persons to assign and manage caseload. Our contract with the court requires us to mediate all cases referred to us by the court at no extra cost to the judicial system, a considerable savings in judicial time and dollars.

I am well aware the economy is forcing reductions in funding from the State, but the number of referrals to the Center is increasing and our ability to handle them is unable to expand. Reducing funding to a program that is almost entirely volunteer has no merit that I can see.

I am hopeful that we will not be forced to abandon our program and that the legislature will realize the necessity of a legal system that works and is economical as well and will continue funding the Judiciary at its present level.

Michael S. Shanin, Waikoloa, HI

March 15, 2010

Dear Senator Taniguchi,

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget at its current level which includes funding for the Judiciary History Center (JHC).

I am an Associate Professor of American Studies at the University of Hawai'i at Manoa. I also direct the Museum Studies Graduate Certificate Program and am a member of the Executive Board of the JHC. My support of HB2000 comes from my experience as an educator of American Studies and Museum Studies and my ability to evaluate the quality of the educational programs offered by the center and the professionalism of its staff.

The JHC is one of the "leanest and meanest" educational centers in the islands. With an extremely small and highly committed staff, it offers an incredible array of educational opportunities and resources for students, teachers, and visitors—from on-site exhibits, informative films, to teacher workshops, curricula with prepared lesson plans, popular high-school mock trial tournaments, and impressive public lectures featuring prominent local and national scholars. During the 2008-2009 year it serviced a total of 35,848 people—an impressive feat for such a small organization!

The work of JHC is underappreciated and largely unrecognized. This is due, I suspect, to its modest physical presence and its focus on service. It is unlike other museum sites in town with a distinctive building and large object collection. What JHC offers is primarily "invisible." It empowers people with knowledge about the judicial process and Hawai'i's legal history. This invisible resource must be conveyed in thoughtful and engaging ways so that people (from elementary students to visiting adults) can appreciate the complexity and/or importance of our legal system and how it affects our understanding of what it means to be an American citizen. For example, through its exhibits and programs, JHC examines Martial Law during World War II and the internment of Japanese Americans. Last summer it helped teachers explore the relationship between the U.S. constitution and Native Hawaiian sovereignty through a three-day workshop. Teachers who attended were extremely excited and grateful to hear from Native and non-Native scholars. As a result, these teachers can now assist 7th and 8th grade social studies students understand questions about Native Hawaiian self-determination that were too complicated, perplexing, or controversial to address in the past.

The JHC has been involved in research and translation projects important to legal history in the islands (e.g., analysis of over 20,000 cases from Hawai'i State Archives, translation of probate records from Hawaiian to English). The staff's work in this area, together with its plans to renovate some of its permanent exhibits in the future (via external funding), will help solidify the uniqueness and importance of the center's work. As this modest center continues its local efforts, I believe it is poised to become more nationally and internationally recognized for its impressive representation and analysis of Hawai'i's legal history from pre-contact to the present.

Please continue to support the JHC with your funding. It is the only center of its kind in the islands—offering compelling ways to understand the importance of civic engagement and the complexity of the legal system in Hawai‘i and the United States.

Sincerely,

Karen K. Kosasa
Associate Director, American Studies
Director, Museum Studies Graduate Certificate Program
Department of American Studies
324 Moore Hall
1890 East-West Road
University of Hawai‘i at Mānoa
Honolulu, HI 96822

Tel: 808-956-8676

Email: kosasa@hawaii.edu

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 5:06 PM
To: JGO Testimony
Cc: byerlyh001@hawaii.rr.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Harry Byerly
Organization: Individual
Address: 2330 Kaola Way 10 HI
Phone: (808) 722-0341
E-mail: byerlyh001@hawaii.rr.com
Submitted on: 3/15/2010

Comments:

Dear Senator Taniguchi:

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget, which includes funding for the Judiciary History Center.

I have been witness to the many wonderful educational programs that the Center has provided and it would be a terrible shame for Hawaii's children if this program was eliminated.

The legislature should do everything it can to preserve this incredible educational resource.

Thank you very much for considering my testimony in support of HB2000 HD2.

Sincerely,
Harry Byerly

From: Elaine Christianson [mumu@hawaiipalmproperties.com]
Sent: Monday, March 15, 2010 4:58 PM
To: JGO Testimony
Subject: West Hawaii Mediation funding

Re: the measure (HB 2000, HD2), date (Wednesday, March 17, 2010) and time (9:30 a.m.) of the hearing. Over the past three years, the number of cases referred to WHMC by the courts has doubled and their funding has been cut by 20%. As a volunteer mediator and member of the Board of directors of WHMC in past years, I saw how much this worthy non profit was able to keep their doors open in part due to the State's funding. Why jam up the courts with issues that can be resolved by volunteer mediators, and have it cost a fraction of what happens when lawyers have to get involved. This office has only 2 staff and the workload to coordinate so many cases is more than they can keep up with. If funding were cut, and they had to cut one staff position, this would be dire circumstances.

With warm Aloha,

Elaine Christianson, Broker/Owner

Hawaii Palm Properties, Inc.

Office: 808-889-1295 Cell: 808-987-9238

fax: 808-889-1296

mail address: po box 1199, Kapa'au HI 96755

street address: 55-1108 Homestead Road, Hawi, HI 96719

www.hawaiipalmproperties.com

"we know this market by heart"

From: Claud [claud@hawaiiantel.net]
Sent: Monday, March 15, 2010 5:03 PM
To: JGO Testimony
Subject: Support for HB 2000

Aloha Senator Taniguchi and Members of the Committee!

I support the Judiciary's budget request, HB 2000, which I understand will be heard by the Senate Judiciary Committee on March 17th at 9:30 am.

I hope it is possible not to cut the Judiciary's budget anymore than it was already cut for FY 10, since those cuts – including cuts to the Judiciary's Center for Alternative Dispute Resolution, and, through its POS Contracts, the Mediation Centers of Hawaii- have already hurt many people, including your constituents.

I have been a Mediator at the Mediation Center of Molokai since 1991, so I know from personal experience that it is a user-friendly, cost-effective alternative to the Court system, and I am reminded daily how important our provision of Mediation Service is to people who need help.

This morning, my co-Mediator Malia and I worked with a young couple who both ended up in tears as they realized someone was finally trying to help them and their 2 year old daughter. Mom is working two jobs, and going to school; Dad is covered with tattoos, and looking for work. They have had a hard time, and "end up fighting about everything." So the Mom has a Restraining Order against the Dad, but –in the best interest of their child- wants to reconcile rather than divorce. After the tears flowed, the Dad agreed to take Parenting classes with the Mom, and to go into couples therapy with her, with the mutual goal to at least stop fighting in front of their keiki...

People like these need and deserve our help, but our little Mediation Center –like the other Mediation Centers across the state- has had to cut back on services due to the budget cuts we have already had.

Please keep the Judiciary's budget intact, so we can keep helping people who need help.

Mahalo and Aloha!

Claud Sutcliffe
HC 01, Box 244
Kaunakakai, HI 96748

From: Michael Robinson [mcr_ins@yahoo.com]
Sent: Monday, March 15, 2010 4:56 PM
To: JGO Testimony
Subject: Judiciary funding

Dear State Representatives,

Our courts have made every effort to cut costs while working in outdated facilities here in West Hawaii. It is crucial that the state fully support the Hawaii Judicial System as a cornerstone of our society. As a citizen I lend my support by volunteering as one of fifty mediators for the West Hawaii Mediation Center. Last year I donated my time and gas to perform over 80 hours of mediation. Please show your support by passing (HB 2000, HD2) providing the necessary funds for a continued strong judiciary.

Sincerely,

Michael C. Robinson
PO Box 4429 Kailua Kona, HI 96745

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 5:00 PM
To: JGO Testimony
Cc: amyathomas@hotmail.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Amy Perruso
Organization: Individual
Address: 95-1200 Meheula Pkwy. Mililani, HI 96789
Phone: 808-351-0980
E-mail: amyathomas@hotmail.com
Submitted on: 3/15/2010

Comments:

Aloha Senator Taniguchi,

As a public school teacher in Hawaii active in historical and civic education, I strongly support HB2000 HD2 because the Judiciary History Center makes possible several programs upon which social studies education in Hawaii depends. They coordinate the Center for Civic Education's trainings in 'We the People: citizens and the Constitution' as well as the broader and even more important 'School Violence Prevention Demonstration Program'. They also help facilitate the state's mock trial program, coordinate with the Hawaii Council on the Humanities on National History Day, and co-sponsor educational events on American history and constitutionalism. In comparison with the funds dedicated to civic education in other states, the people of the Hawaii Judiciary History Center make miracles happen on a shoestring, and without them, civic education in this state would be in very dire straits indeed. My students ALL know Matt and Keahe, because they are in our schools, in our classrooms, and opening the doors of the Center to provide learning opportunities for us. Given the focus of the DOE on NCLB, I think it is safe to say that without the people at the Judiciary History Center, there would be no professional development for teachers in civic education in Hawaii. And that is NOT an acceptable situation for a democratic society.

Thank you for your support of HB2000 HD2.

Amy Perruso
National Board Certified Teacher - Social Studies Walmart Hawaii Teacher of the Year - 2008
History Day Teacher of the Year 2009

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 4:59 PM
To: JGO Testimony
Cc: Sinclairkona@yahoo.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Catherine sinclair
Organization: Individual
Address: Po box 111 Captain Cook HI 96704
Phone: 808 938-2891
E-mail: Sinclairkona@yahoo.com
Submitted on: 3/15/2010

Comments:

HB2000.

Regarding the proposed budget. Please continue funding the Hawaii Judicial History Center which provides educational opportunities of quality for educators in Hawaii.

Respectfully

Cathy Sinclair

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 8:30 AM
To: JGO Testimony
Cc: kim_baker@notes.k12.hi.us
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Kim Baker
Organization: Individual
Address: 95-1111 Makaikai St. Mililani, HI 96789
Phone: 626-3350 (work)
E-mail: kim_baker@notes.k12.hi.us
Submitted on: 3/16/2010

Comments:

Dear Senator Taniguchi:

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget, which includes funding for the Judiciary History Center.

I am a third grade teacher at Mililani Mauka Elementary school. For the past several years we have been taking a field trip to JHC as well as tour the State Capitol. The staff at JHC do a great job educating the third graders on standards related to rules and laws and power with/without authority. It is for this reason that I support JHC and the impending bill.

Thank you very much for considering my testimony in support of HB2000 HD2.

Sincerely,
Kim Baker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 12:17 PM
To: JGO Testimony
Cc: budgielo@aol.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Loea Morgan
Organization: Individual
Address:
Phone: 808-623-8079
E-mail: budgielo@aol.com
Submitted on: 3/16/2010

Comments:

Dear Senator Taniguchi,

I am a junior at Mililani High School, and I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget, which includes funding for the Judiciary History Center. In school, I have participated in both Mock Trial and We The People, which are affiliated with the Judiciary History Center. Both programs have been very beneficial to me. In fact, my We The People team is going on this year to compete in nationals and represent Hawaii. We could not have possibly done so well if it were not for help and coaching from Matt and Keahe. We continue to get help from them and the recent religious diversity workshop we attended was fascinating and very helpful for our team. I have learned a lot and am much more interested in government issues and politics. I hope that next year our We The People team will be as lucky as we were. We could not have become state champs without their help, and I am personally very grateful to them.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 12:33 PM
To: JGO Testimony
Cc: s_levinson@lycos.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Steven H. Levinson
Organization: Individual
Address: 3430-F Keahi Place Honolulu, HI 96822
Phone: 808-780-8845
E-mail: s_levinson@lycos.com
Submitted on: 3/16/2010

Comments:
Der Senator Taniguchi,

I am writing in support of HB2000 HD2. I urge the State to preserve the Judiciary's budget, which includes funding the Judiciary History Center. Losing the Center would deliver a devastating blow to the Judiciary's capacity to fulfill the public education element of the Judiciary's mission.

Sincerely,

Steven H. Levinson

From: Sasha Toyama [sasha126@hotmail.com]
Sent: Tuesday, March 16, 2010 12:48 PM
To: JGO Testimony
Subject: funding cut

bill: HB 2000
hearing date: March 17
time: 9:30am

To Whom It May Concern,

There are many reasons why funding should be readily available for programs like the West Hawaii Mediation Center. People cannot always figure out the solutions to their most intense, unresolvable problems. The court system is already overwhelmed with the number of cases received per year. If there is any way to make a difference by stating my opinion, I would like to say this, humans need human services. Thank you for your time!

Sasha Toyama
West Hawaii Mediation
Intern

From: Michele Chavez-Pardini [chavpard@hialoha.com]
Sent: Tuesday, March 16, 2010 12:56 PM
To: JGO Testimony
Subject: HB 2000, HD2

Committee on Judiciary and Government Operations

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

Senators,

I am a volunteer for the West Hawaii Mediation Center. I have done volunteer mediating for 20+ years in the State of Hawaii.

I am writing to advocate that there be NO cut in the State's funding of the Judiciary. Mediation is one of the most effective and least expensive ways to resolve disputes.

Over the past three years, the number of cases referred to WHMC by the courts has doubled and our funding has been cut by 20%. Last year's funding amounted to approximately \$170 for each case referred by the courts. By maintaining, or even increasing, our capacity we will provide significant cost savings to the court system. Cutting the programs that save the courts money makes no sense.

Please let me know what you intend to do about this.
Mahalo,

Michele Chavez-Pardini

From: Margarita Scheffel [mscheffel@keck.hawaii.edu]
Sent: Tuesday, March 16, 2010 1:56 PM
To: JGO Testimony
Subject: Testimony in Support of HB2000, HD1 Wednesday, March 17, 2010 at 9:30 a.m.

To: Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

House Committee on Finance
Wednesday, March 17, 2010 at 9:30 a.m.
Support of HB2000, HD1

Dear Chair Taniguchi and Vice Chair Takamine,

At the Treasurer of the West Hawaii Mediation Center, I encourage preserving the State Judiciary's budget and fully maintaining Judiciary funding for supporting the state-wide mediation centers. The West Hawaii Mediation Center provides valuable, low-cost and extremely effective services to our communities. Our local volunteer efforts of fund raising, board oversight and sound fiscal management together with the support from the Judiciary budget, help to greatly off-load cases from courts that could otherwise clog the judicial system.

Losing or downsizing mediation services to our communities will negatively impact the availability of residents to tap into a valuable resource for empowering them with access to be heard to resolve individual issues.

If you have any questions or require additional information, please do not hesitate to contact me.

Thank you for this opportunity to submit testimony

Margarita Scheffel
Treasurer
West Hawaii Mediation Center

From: MHRS, Wailea Hawaii DHR [mhers.hnmhc.dhr@marriotthotels.com]
Sent: Tuesday, March 16, 2010 1:56 PM
To: JGO Testimony
Cc: Claud; Elizabeth.R.Kent@courts.state.hi.us; Max Tornai
Subject: HB 2000

Aloha,

I am President of the Board of Mediation Services of Maui, Inc. I am writing to ask that the Judiciary funding to the various mediation centers here in Hawaii not be cut.

With our economy in the fragile state that it is in, many families have been dealing with pressures that can tear a life apart. Many have lost jobs and after many months of looking, still cannot find work. There are two-income families, where both husband and wife have been laid off. They have started to default on their mortgages and are facing the prospects of wondering where they will live. Still others, who are holding on to their jobs, find that their home values have dropped so much that they wonder why they should continue to strive to pay mortgages. One key reason people divorce is because of financial disagreements. When a couple can no longer live together because the strain is too great, there are normally two options. One is domestic abuse in trying to deal with these problems. The other is separation and divorce.

Once a decision to divorce is made, there are many other decisions that will need to be made. If we couldn't afford to live together, how will we do it with two separate households? Who will have physical and/or legal custody of the kids? What about visitation rights and property settlements? How will these matters be decided? We already don't have any disposable income. How do we afford attorneys to fight on our behalf? Where will it all end?

One option is to try to regain some control in your life. The way to do that is to participate in the decisions that will affect you and your family for many years to come. Mediation Services of Maui is that option. Trained volunteer mediators can help you to participate in discussing the issues that matter most to you and your spouse in a civilized and productive manner. You have an opportunity to work out what is in your best interest, your spouse's best interest, and your children's best interest going forward.

Life is difficult. Sometimes, we all need a helping hand. Mediation Services of Maui has been helping families and individuals here on Maui for 28 years. Now we need a helping hand as well. As a non-profit organization whose role it is to support our community, we depend on government grants, private grants, and the generosity of people who believe in what we do. With the current fiscal crisis that our various government entities and private donors have been working through, there is much talk about where to cut spending. Our budgets have been reduced and there is a lot of discussion of further reductions. We have cut spending in our organization as well and we continue to look for more opportunities to run more efficiently. However, we do need to continue to support our community. To do so, we very much depend on the funding that we receive through the State Judiciary.

We are one of the organizations that are most affected by the poor economy, not just because of funding issues, but because our services are needed now, more than ever. Please maintain the current funding.

Mahalo,

Clifford B. Caesar
President, Board of Directors
Mediation Services of Maui, Inc.

From: Erin (Annie) Rутtenber [erin.rутtenber@gmail.com]
Sent: Tuesday, March 16, 2010 2:21 PM
To: JGO Testimony
Subject: HB2000 HD2 on March 17, 2010 at 9:30am

Aloha nui loa,

This is in regards to the requested testimony for HB2000 HD2 on March 17, 2010 at 9:30am. I am writing you as the Secretary of the Board of Directors and an active mediator for Mediation Services of Maui.

Just today I mediated a case for the agency that resulted in opening communication for both parties and coming to a resolution to ensure the health for one of these participants. Without this mediation, it is my believe, this participants health would have continued to decline resulting in death. What first appeared to be a cut dry finance dispute, emerged into compassion, empathy and a win win solution due to the mediation process. I truly believe in this process and think it is essential in developing and maintaining peaceful healthy communities.

I know that you are very well aware of the fiscal situation the state and nation are currently in and will need to make very difficult decisions. MSM, like so many other local and national organizations, has already been drastically affected by the recent economic downturn. Several of our main long-time funders have announced substantial cuts in their ability to provide financial support to our agency. This has placed us in a short-term financial crisis, although our mid- and long-term strategies still appear sound. These cutbacks have come at a time when our services are needed more than any other point in our organization's 28 year history.

What appears to be a court winning case, is underlined with many issues and feeling that are in need of being addressed. MSM provides that space and process. The court system does not provide the arena for individuals to establish or re-establish communication and reach an "out of the box" agreement that works substantially better for all parties.

Being part of the community, by having a say in matters that affect you as an individual, is proven to maintain peace. Cutting finding at a time like this will have drastic affects which will ripple through the community.

Thank you for your valuable time and providing this space, for an individual to have a say in matters that will affect not only this individual but the community at large.

Mahalo,
Annie Rутtenber

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 16, 2010 2:26 PM
To: JGO Testimony
Cc: steffm@alohabroadband.com
Subject: Testimony for HB2000 on 3/17/2010 9:30:00 AM

Testimony for JGO 3/17/2010 9:30:00 AM HB2000

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Stephanie Macdonald
Organization: Individual
Address: 92-1557 Donola Drive Ocean View, HI
Phone: 808 929-8328
E-mail: steffm@alohabroadband.com
Submitted on: 3/16/2010

Comments:

I am a volunteer mediator with the West Hawaii Medication Center NPO. I mediate with the community at court and handle many domestic cases. At a time when the community needs us most, when families are struggling to cope, our services are needed even more to sustain our community. DO NOT CUT INTO THE JUDICIARY FUNDING - HELP US KEEP OUR FAMILIES STAY TOGETHER.

From: Deborah Chai [debchai@yahoo.com]
Sent: Tuesday, March 16, 2010 2:39 PM
To: JGO Testimony
Subject: bill, HB 2000

As a former Director of the West Hawaii Mediation Center, I know the important work the mediation centers in the Hawaii provide not only to the Hawaii State Judiciary but to the community in general. These Centers work very hard on a minimal budget, and have already received recent State cuts. I realize that many agencies are going to be hit by furloughs and budget cuts, but these Centers operate with minimal financial support. To further cut the monies provided would greatly affect the ability of the Centers to continue the work they do. I urge you to reconsider any additional cuts to these mediation centers.

Mahalo, Deborah Chai

From: norman piianaia [nap2matsonia@gmail.com]
Sent: Tuesday, March 16, 2010 2:48 PM
To: JGO Testimony
Subject: Norman Piianaia, Mediator for West Hawaii Mediation

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

To whom it may concern regarding funding for the State Judiciary and consequent funding for Mediation Centers around the State of Hawaii.

I am a mediator for the West Hawaii Mediation Center on the Big Island. The volunteer efforts and hours that our members invest in mediation have deep, far-reaching and lasting effects on the quality of life and the civil and harmonious relationships of those within our community.

When I have attended court on behalf of the Mediation Center it is stunning to experience the general disconnect our general population has between the life of an ordinary citizen and that of the Judiciary system. Mediation, while just a small part of the State Judiciary, carries a huge burden in helping bridge this gap between not only the courts and the people, but also between individuals and groups within our community itself.

While we are a nation of laws, it is clear that there are so many who try to avail themselves of this principle but have no idea what it means or how it works. To further erode this situation by a reduction in funding to the State Judiciary can only a negative result at all levels of the Judiciary, including the mediation centers throughout the State.

I urge you to continue funding at least at the current levels until such time as the State of Hawaii is on firmer financial footing.

Respectfully,
Norman Piianaia
PO Box 6834
Kamuela, HI 96743

TO: TO WHOM IT MAY CONCERN
FROM: Spencer Tengan, Head Start Program Manager
RE: Children's Justice Center
DATE: March 2010

We are very fortunate to have a program such as the Children's Justice Center in our community. The beneficial service of this agency is the best kept secret for child advocacy. Staffed with skilled knowledgeable expert workers, this agency has been an enduring and constant venue for child victims who have lost their trust in family members, strangers, acquaintances, and the community. It is here that these young innocent child victims find comfort, confidence, support, love, and trust that may have been forever lost if not for the Children's Justice Center. There is no other program or service that can match this invaluable and needed arena of child advocacy which ensures confidentiality and protects them from further unnecessary trauma and stress.

To walk into this environment is like coming home to innocence, reassurance, and a respect for children being children. To have been robbed of their childhood is a silent death for these victims, but they find solace and hope that all is not loss in this environment. The firm but gentleness of the staff, services, and outcomes is a tribute to all the heart and passion that is part of the mission of the Children's Justice Center.

To not have this agency or them not receiving what is needed to run hundred percent successfully is a crime and injustice to the children, the future of our communities. It is the work, expertise, and professionalism of this agency that attests to their success in bringing justice to the child victims. When all else has failed, this agency fulfills the destiny of the children. This program is not a mechanical system, but one that embraces compassion and support for those who cannot speak or protect themselves from some harsh realities of the world.

It is my testimonial of support that compels me to advocate for this agency because the world is no longer a completely safe and innocent place for children. Societal demands have changed, families have changed, resources are limited, generations have changed, and the innocent child may become victims of these forces. And when it does happen (unfortunately), there is reassurance and hope that the Children's Justice Center will make every attempt to make them whole again!

From: Cassandra Fraser [cassandra_fraser@hotmail.com]
Sent: Tuesday, March 16, 2010 3:53 PM
To: JGO Testimony
Subject: Testimony for the hearing (HB2000 HD2 (SCCR681-10) - funding for Mediation Maui

Testimony for the hearing (HB2000 HD2 (SCCR681-10) - Funding for Mediation Maui

Aloha no ka ko,

I have been a mediator with Mediation Maui since 1995, and have mediated hundreds of disputes for the people of our island. I am also a Court Appointed Mediator for Mediation Maui. I mediate for Small Claims, District, and Family Court.

Funding for Mediation Maui should not only remain in place, but actually be increased over the next few years for the following reasons:

1. Mediation Maui has performed over 650 mediations in the first quarter of 2010 - a 25% increase over last year.
2. The economy of our island is worsening, creating a huge stress on families, children and the community as a whole. As this situation worsens, the need for Mediation Maui to assist in resolve conflicts, before violence occurs, is increasing dramatically.
3. Small businesses are requiring our services to help collect debts, and to mediate peaceful repayment plans.
4. Families and children require our assistance to mediate child care, budgets, and custody as parents are hit by tough economic times and family life becomes more stressful.
- 5.. The courts especially require our assistance to mediate reasonable agreements in Small Claims, District and Family Court – agreements people that the parties will abide by. We also provide the courts with a considerable saving of time in their increasingly full dockets.
6. Because of increasing levels of stress, and increasing poverty, we need to expand our services to provide both mediation and conflict resolution skills training for those who are on the front lines of these conflicts: schools, churches, community organizations, small businesses, the police, hospitals and other service providers who are seeing increasingly difficult and sometimes dangerous communications. This expansion will help to stem the tide of violence and conflict, and it will require more funding.
7. We need to expand to provide more available services for our kupuna, as they navigate the increasingly complicated pathways in such areas as health care, family communications, and even elder abuse.
8. We need to expand to be an adjunct to court ordered Anger Management programs, so participants can learn active alternatives to conflict, and receive mediation assistance with ongoing issues that brought them to the courts, and to Anger Management classes.
9. We need to expand our outreach to other non-profits and government agencies, teaching communication, conflict resolution and mediation skills.

10. We need to expand to create a program designed to assist small businesses in dealing with difficult conflict resolution situations with employees, customers and suppliers.

11. Finally, we need to have funds to find and train more volunteer mediators to meet our growing needs.

I could go on, but I realize your time is short at this hearing and I believe you see the point to this - the worse things become economically and socially, the more Mediation Maui needs to be funded to meet those needs. We need more funding to serve our community in these difficult times, not less.

Mahalo nui loa for your time, your kokua, and your generous contributions to Mediation Maui and the vital service we offer. Please do not hesitate to contact me, or our Executive Director, Max Tornai, if you require further information.

*Blessings,
Cassandra Fraser, Harmony Consulting
808 579-6081 214-2249*

Live by the Three R's

Respect for self

Respect for others

Responsibility for your actions

March 16th, 2010

Subject: Please Support HB 2000 HD 2

Dear Senator Taniguchi and Members of the Judiciary and Government Operations Committee: I am writing in support of HB 2000, HD 2. I urge the Legislature to preserve the Judiciary's budget, which includes funding for the Office on Equality and Access to the Courts and the Court Interpreter Certification Program.

I am a registered Spanish-English Interpreter for the Judiciary and I regularly interpret in family, district and circuit court proceedings in the Second Circuit. In my experience, the people who find themselves in our Court system without being able to speak or understand english are almost always confused, frightened or overwhelmed. For these people, the presence of an interpreter is vital to understanding what is happening to them and to ensuring that they receive due process. Accordingly, I strongly encourage you to support the Judiciary's vital interpretation services by passing HB 2000 HD 2. Thank you very much for this opportunity to testify in support of this bill. Sincerely,

Francisco Montes
733 Pulehuiki Road
Kula, Hawaii 96790
(808) 385-4522
franciscomontes@hawaii.rr.com

From: Katherine Shears [kathyanddavid8@msn.com]
Sent: Tuesday, March 16, 2010 3:32 PM
To: JGO Testimony
Cc: Katherine Shears
Subject: HB2000

I am a Mediator for West Hawaii Mediation. We have been very successful at keeping the work load lighter on the court in Kamuela. Thanks to your funding I have been trained in basic and domestic mediation and have completed many successful mediations. The public is always very grateful for this opportunity to settle their problems out of court. I know our local office runs on a shoe sting and they work miracles. Thank you for your support.

K. Shears

Representative Brian T. Taniguchi, Chair
Representative Dwight Y. Takamine, Vice Chair
Judiciary and Government Operations (JGO)

John Felisi
Family Drug Court of the First Judicial Circuit
345 Queen Street, Suite 302
Honolulu, Hawaii 96813
(808)534-6607
(808)222-7047

Support for H.B. 2000, H.D. 2 relating to Judiciary; Supplemental Appropriations

The State of Hawaii Family Drug Court is currently operational within the First Judicial Circuit. The Family Drug Court is designed to ensure child safety by providing the opportunities to assist family members to become healthy, sober and positive parents through the provision of a seamless continuum of holistic, effective, culturally appropriate care for all life issues.


I strongly support H.B. 2000, H.D. 2 relating to Judiciary; Supplemental Appropriations, which would provide the judiciary with supplemental appropriations and authorizations for its operations and capital improvements for fiscal biennium 2009-2011 by amending the Judiciary Appropriations Act of 2009.

Last week, reports from lawmakers said they were convinced by testimony from judges and social-service providers that specialty courts like the Family Drug Court, which emphasize treatment, are cost-effective. "Judges have said these specialty courts save the state money and reduce the likelihood of repeat offenses from individuals who complete their programs" (Associated Press, 2010)

The Family Drug Court not only saves the State of Hawaii money, but helps parents break the cycle of addiction and child abuse & neglect and increases reunification of children with maternal family by shortening out-of-home placement and expediting informed permanency planning. In addition, our participants become productive members to our economy by getting off welfare and getting jobs. Our graduates are no longer a burden to our State because they have become assets within their communities and have become law bidding and taxpaying citizens.

By allocating the appropriations for the Judiciary of the State of Hawaii, we continue in creating healthy communities for ourselves and future generations who will be productive members of our society. I urge the committee to pass H.B. 2000, H.D. 2.

Thank you for this opportunity to testify,


John Felisi, Participant
Family Drug Court of the First Judicial Circuit